

Ballistic Missile Defense
FY97 Funding and Language Track

*Ballistic Missile Defense Organization
Office of External Affairs*

October 1996

Public Law Information

- The President signed the FY97 DOD **Authorization** Conference Bill (H.R. 3230) on September 23, 1996. (P.L. 104-201)
- The President signed the FY97 DOD **Appropriations** Conference Bill (H.R. 3610) on September 30, 1996. (P.L. 104-208)

General Information

This funding and language track is arranged by subject and presented in the following order:

- House and Senate Committee Bill Language
- House and Senate Committee Report Language
- House and Senate Floor Amendments (if applicable)
- House/Senate Conference Language

Bill language is *italicized*. The bills accompanying the conference reports were signed by the president to become the public law and are considered statutory.

Conference language is final; however, committee report language remains in effect unless issues are specifically addressed in the conference report.

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SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, \$4,669,979,000.

(2) For the Navy, \$8,189,957,000.

(3) For the Air Force, \$13,271,087,000.

(4) For Defense-wide activities, \$9,406,377,000, of which--

(A) \$252,038,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) \$21,968,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 231. FUNDING FOR BALLISTIC MISSILE DEFENSE PROGRAMS FOR FISCAL YEAR 1997.

Of the amount appropriated pursuant to section 201(4), not more than \$3,258,982,000 may be obligated for programs managed by the Ballistic Missile Defense Organization.

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SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, \$4,958,140,000.

(2) For the Navy, \$9,041,534,000.

(3) For the Air Force, \$14,788,356,000.

(4) For Defense-wide activities, \$9,662,542,000, of which--

(A) \$252,038,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) \$21,968,000 is authorized for the Director of Operational Test and Evaluation.

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SEC. 234. FUNDING FOR UPPER TIER THEATER MISSILE DEFENSE SYSTEMS.

(a) Funding.--Funds authorized to be appropriated under section 201(4) shall be available for purposes and in amounts as follows:

BALLISTIC MISSILE DEFENSE FUNDING

**House FY97 DOD Authorization Bill
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(1) For the Theater High Altitude Area Defense (THAAD) System, \$621,798,000.

(2) For the Navy Upper Tier (Theater Wide) system, \$304,171,000.

(b) Limitation.--None of the funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act may be obligated or expended by the Office of the Under Secretary of Defense for Acquisition and Technology for official representation activities, or related activities, until the Secretary of Defense certifies to Congress that--

(1) the Secretary has made available for obligation the funds provided under subsection (a) for the purposes specified in that subsection and in the amounts appropriated pursuant to that subsection; and

(2) the Secretary has included the Navy Upper Tier theater missile defense system in the theater missile defense core program.

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SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1996.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1996 in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134).

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

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<p><u>Report Language</u> <u>Page 116</u></p> <p>Ballistic missile defense</p> <p>The budget request included \$2,798.8 million in various program elements (PEs) for research, development, test, and evaluation (RDT&E), procurement, and military construction activities of the Ballistic Missile Defense Organization (BMDO). The committee-recommended changes to the request are summarized below:</p> <p style="text-align: center;">[In millions of dollars]</p> <table> <tr> <td>Corps SAM/MEADS (PE63869C)</td><td style="text-align: right;">(\$56.2)</td></tr> <tr> <td>Navy Upper Tier (PE 63868C).</td><td style="text-align: right;">246.0</td></tr> <tr> <td>National Missile Defense (PE 63871C)</td><td style="text-align: right;">350.0</td></tr> <tr> <td>THAAD (PE 63861C).</td><td style="text-align: right;">140.0</td></tr> <tr> <td>Support Technology-AIT (PE 63173C)</td><td style="text-align: right;">40.0</td></tr> <tr> <td>Cooperative Projects with Russia (PE 62XXXXC).</td><td style="text-align: right;">20.0</td></tr> <tr> <td>Management (General Reduction)</td><td style="text-align: right;">(15.0)</td></tr> </table> <p>A more detailed explanation is provided below.</p> <p>Advanced interceptor technology</p> <p>The budget request included \$7.4 million in PE 63173C for Advanced Interceptor Technology (AIT). The committee recommends an additional \$40.0 million in this PE for AIT. These additional funds would support a more aggressive schedule for development and testing of advanced kinetic kill vehicle technologies with potential applicability to various future TMD systems, such as THAAD and Boost Phase Interceptor.</p>	Corps SAM/MEADS (PE63869C)	(\$56.2)	Navy Upper Tier (PE 63868C).	246.0	National Missile Defense (PE 63871C)	350.0	THAAD (PE 63861C).	140.0	Support Technology-AIT (PE 63173C)	40.0	Cooperative Projects with Russia (PE 62XXXXC).	20.0	Management (General Reduction)	(15.0)	<p><u>Report Language</u> <u>Page 127</u></p> <p>Section 234. Funding for upper tier theater missile defense systems.</p> <p>The committee recommends a provision that would authorize funds for the Theater High Altitude Area Defense (THAAD) system and the Navy Upper Tier theater missile defense (TMD) system. The provision would also prohibit the use of funds during fiscal year 1997 by the Undersecretary of Defense for Acquisition and Technology for official representation activities until the Secretary of Defense certifies to Congress that: (1) fiscal year 1997 funds for THAAD and Navy Upper Tier have been made available for obligation; and (2) the Navy Upper Tier system has been included in the core TMD program.</p> <p><u>Page 259</u></p> <p>Section 1003. Authorization of prior emergency supplemental appropriations for fiscal year 1996.</p> <p>The committee recommends a provision that would authorize the emergency supplemental appropriations enacted in the Supplemental Appropriations Act of 1996. The supplemental appropriations provided funding for fiscal year 1996 expenses related to military operations in Bosnia.</p>
Corps SAM/MEADS (PE63869C)	(\$56.2)														
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Arrow

The committee continues to strongly support the U.S.-Israeli Arrow program. The committee recommends full funding of the Arrow and other U.S.-Israeli cooperative missile defense projects contained in the budget request. The committee notes, however, that \$27.0 million in fiscal year 1996 and prior year funding for the U.S. portion of the Arrow Deployability Project remains unobligated as a result of the lack of a Presidential certification that a memorandum of agreement exists with Israel for the project, that the project provides benefits to the United States, that the Arrow missile has completed a successful intercept, and that the Government of Israel is adhering to export controls pursuant to the Missile Technology Control Regime.

Cooperative projects with Russia

The committee strongly endorses an expanded program of cooperative BMD-related projects with Russia as a means of building trust and confidence as both sides pursue development and deployment of TMD and NMD systems. U.S.- Russian cooperative BMD activities include various programmatic endeavors as well as a series of joint TMD simulation exercises, the first of which is to be held in June at the Joint National Test Facility, Colorado Springs, Colorado. The Russian-American Observational Satellite (RAMOS) program is one such high-payoff, cooperative technology development program, a point recognized by senior Office of the Secretary of Defense (OSD) officials. For example, the Under Secretary of Defense for Acquisition and Technology has written to the First Deputy Minister of Defense in the Russian Ministry of Defense to apprise him of U.S. government approval and

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Ballistic missile defense funding and programmatic guidance

The fiscal year 1997 budget request for the Ballistic Missile Defense Organization (BMDO) was \$2.8 billion, including research, development, test, and evaluation (RDT&E), procurement, and military construction. The committee notes with concern that the budget request is over \$200.0 million less than the administration's own recommendation of one year ago, and approximately \$700.0 million less than the level authorized for fiscal year 1996. This continuing trend of sharply cutting funding for ballistic missile defense (BMD) programs has now jeopardized critical theater missile defense (TMD) programs, just as national missile defense (NMD) and advanced technology programs were previously undermined by the administration's BMD funding cuts. The committee finds these actions at odds with the administration's own stated position that TMD is a high priority.

The committee is also concerned by the administration's apparent willingness to disregard legal requirements to accelerate several TMD programs. Section 234 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) establishes clear objectives for development and deployment of a core TMD program-consisting of the Patriot PAC-3 system, the Navy Lower Tier system, the Theater High Altitude Area Defense (THAAD) system, and the Navy Upper Tier system. The Department of Defense's budget request and BMD program satisfy only one of the seven key milestones mandated by section 234, even though these milestones were derived directly from the Department's own fiscal year 1996 proposal and information provided to the committee by the Department of Defense.

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support of the program and to encourage timely final approval from the Russian government. Other U.S.-Russian cooperative BMD activities include the Active Geophysical Rocket Experiment (AGRE) project, and small-scale projects such as electric thrusters for spacecraft, photo-voltaic arrays, and energetic materials. To promote and highlight expanded U.S.-Russian BMD cooperation, the committee recommends establishment of a new program element (PE) for cooperation with Russia. The committee recommends consolidating all existing cooperation projects within this new PE, and recommends \$20.0 million be made available within this PE.

CorpsSAM/MEADS

The budget request included \$56.2 million for the Corps surface-to-air missile/Medium Extended Air Defense System (CorpsSAM/MEADS). The committee has in the past supported a cooperative multinational program, but notes that: a memorandum of understanding establishing the program has yet to be signed; there is a high degree of uncertainty as to which U.S. European allies will join in the project; and other programmatic changes have significantly delayed formal initiation of the program. As a result, the committee can no longer determine the total cost of the program, the U.S. cost-share percentage, or the program schedule, including key technical milestones. Furthermore, the committee notes that senior DOD officials have thus far chosen not to press support for the program during congressional consideration of the fiscal year 1997 budget request. Therefore, the committee recommends no funds for the program. The committee also notes that

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In order to satisfy the requirements established in section 234 (Public Law 104-106), to the maximum extent possible, and to correct other deficiencies in the budget request regarding BMD programs, the committee recommends a total BMDO authorization of \$3.6 billion, an increase of \$855.9 million. As a point of comparison, the committee notes that the administration's Bottom-Up Review of September 1993 recommended a BMDO budget of \$3.4 billion for fiscal year 1997, approximately \$600.0 million more than the administration has requested.

The committee's recommended funding allocations for BMDO in fiscal year 1997 are summarized in the following table. Additional programmatic and funding guidance are also provided below.

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the Department has yet to submit a report on options associated with the use of existing systems technologies and program management mechanisms to satisfy validated CorpsSAM/MEADS requirements, as was requested in the statement of managers accompanying the conference report on S. 1124 (H. Rept. 104-450). Therefore, only \$5.0 million of the \$20.0 million authorized in fiscal year 1996 has been obligated for CorpsSAM/MEADS. The committee urges the expeditious completion and submission of this report.

Joint national test facility

The budget request included \$5.8 million for Joint National Test Facility (JNTF) modernization split among program elements 63871C, 63872C, and 63173C. The committee recognizes the importance of the BMDO-sponsored JNTF as an essential joint missile defense modeling, simulation, and test center of excellence. The JNTF's focus is the joint inter-service, interoperability, and integration aspects of missile defense system acquisition. As the only missile defense modeling and simulation facility which is staffed by all the services and BMDO, the JNTF provides inter-service computational capabilities and wide area network communication networks with service-sponsored facilities such as the Army's Advanced Research Center, the Naval Surface Warfare Center, and the Air Force Theater Air Command and Control Facility. To adequately satisfy the complex missile defense integration requirements leading to successful joint tests, analysis, wargaming, CINC exercises, and acquisition support, the committee recommends \$15.0 million be made available for modernization, computational and wide area network capabilities in support of the Ballistic Missile Defense Network (BMDN) within the program elements listed above.

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BMDO FUNDING ALLOCATION [In millions of dollars]

Program	Request	Change	Recommendation
Support Technology	226.3	+150.0	376.3
THAAD	481.8	+140.0	621.8
Hawk*	19.4		19.4
TMD-BM/C3*	19.3		19.3
Navy Lower Tier**	310.7		310.7
Navy Upper Tier	58.2	+246.0	304.2
Corps SAM	56.2	-10.8	45.4
BPI		+24.3	24.3
NMD	508.4	+300.0	808.4
Joint TMD***	521.5	+6.4	527.9
PAC-3**	596.9		596.9
BMDO Total	2,798.7	+855.9	3,654.6

*Procurement only.

**Procurement and RDT&E.

***RDT&E and Military Construction.

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This modernization program will also support the JNTF's contribution to emerging international efforts with friends and allies for interoperability and in development of joint missile defense systems.

Management

The budget request did not contain a separate program element for management. The committee believes that greater management efficiencies can be achieved, and therefore recommends a general reduction of \$15.0 million for management.

National Missile Defense

The budget request included \$508.4 million in PE 63871C for National Missile Defense (NMD). The committee recommends an additional \$350.0 million for NMD in an effort to accelerate hardware development, including a new common booster, accelerate and increase the number of exoatmospheric kill vehicle (EKV) flight tests, enhance systems engineering and integration, and accelerate planning and siting activities required for the deployment of an effective NMD system.

The committee commends the Under Secretary of Defense (Acquisition and Technology) for his recent decision to establish an NMD joint-service program office (JPO), and directs the Director, BMDO to ensure full participation by the Army, Navy, and Air Force in the JPO. In addition, the committee directs the Director, BMDO to ensure that the EKV and associated booster designs are compatible with the widest possible range of NMD system architectures and basing modes. The committee directs that the Director, BMDO inform the committee of his plans in this regard not later than September 15, 1996.

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Support technology

The budget request for BMDO's support technology programs (PE 62173C/63173C) was \$226.3 million. The committee notes that the Director of BMDO has testified repeatedly in recent years regarding the shortfall in BMDO's advanced technology investment. The committee supports the Director's desire to increase the level of investment in advanced BMD technology and, therefore, recommends a net increase of \$150.0 million for support technology.

The committee supports BMDO's efforts in the area of wide bandgap electronics that are funded in the Innovative Science and Technology program (project 1651). The committee recommends an increase of \$10.0 million in PE 62173C to facilitate a wide bandgap electronics program specifically targeting gallium nitride and silicon carbide as the major semiconductor technologies to be developed. The program should be affiliated with an academic institution involving a research and development facility for material growth, material characterization (including material surface behavior), and wide bandgap semiconductor device development.

In testimony before the committee this year, the Director of BMDO specified several basic technology projects that require additional funding. Based on BMDO's stated priorities, the committee recommends an increase of \$30.0 million in PE 63173C for advanced radar transmit/receive modules, advanced interceptor satellite communications, and advanced image processing.

Although the committee recommended the termination of BMDO's kinetic boost-phase intercept (BPI) program in fiscal year 1996, the committee continues to strongly support BMDO's development of the Atmospheric Interceptor Technology (AIT) program. The AIT program is designed to develop advanced kill vehicle technologies for future hypersonic hit-to-kill interceptors, and for applications as potential product improvements to a wide range of TMD programs,

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The committee notes that the prototype ground-based radar (GBR-P) is an important NMD system element, and that GBR-P is scheduled to begin testing at U.S. Army Kwajalein Atoll (USAKA) in 1998. This schedule must be maintained, or accelerated, in order to realize cost savings associated with leveraging the THAAD radar program and test schedule. Of the amounts authorized in PE 63871C, the committee recommends \$68.0 million for GBR-P in order to ensure that the radar is available for integrated system testing in fiscal year 1998.

The committee recognizes the importance of the Midcourse Space Experiment (MSX) for collecting and analyzing background data of use to future midcourse sensors such as the Space Missile and Tracking System. The committee is concerned, however, that BMDO has failed to budget funds to continue operations through the end of the expected lifetime of the satellite. Therefore, the committee strongly urges the Director, BMDO to provide adequate funds in the fiscal year 1998 budget submission and over the Future Years Defense Plan (FYDP) for MSX satellite operations.

The committee understands the importance of an effective battle management/command, control, and communications (BM/C3) architecture to overall NMD system performance and reliability. In this regard, the committee is aware of proposals to leverage existing theater missile defense (TMD) BM/C3 capabilities, including such capabilities being developed under the THAAD program, to support an NMD system. The committee therefore urges the Director, BMDO to study these proposals and inform the committee not later than October 15, 1996, of his views in this regard.

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including THAAD Navy Upper , Patriot PAC-3, and Corps SAM. The budget request includes only \$7.4 million for the AIT program as part of the Applied Interceptor Materials and Systems Technology program (project 1270). This level of funding is inadequate to support any significant degree of progress. Therefore, the committee recommends an increase of \$40.0 million in PE 63173C to support the AIT program.

The committee continues to support development of the Space-Based Laser (SBL) program. SBL offers the potential for a high leverage system to deal with ballistic missiles of virtually all ranges. The SBL appears to be by far the most effective boost-phase intercept system being developed by the Department of Defense. In testimony before the committee on March 25, 1996, the Director of BMDO characterized SBL as "the next real quantum jump" in active BMD development. Given the importance of this program and its high potential payoff, the committee is disappointed that the budget request contained only \$30.0 million for SBL. The committee recommends an increase of \$70.0 million in PE 63173C to continue the SBL effort. The committee believes that the Air Force should begin to take a much more active role in developing the SBL program. Specifically, the committee believes that the Air Force Space and Missile Systems Center should play a key role in designing a demonstrator spacecraft and providing detailed cost estimates for completion of such a demonstration program.

Theater high altitude area defense system

The budget request included \$481.8 million to complete THAAD demonstration and validation (Dem/Val) and to begin engineering and manufacturing development (EMD). The committee continues to support the development, production, and fielding of THAAD as a matter of highest priority. To reflect the priority attached to the THAAD program by Congress, the National Defense Authorization Act for Fiscal

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Finally, taking into account the various architectural options for providing a highly-effective defense of the United States against limited missile attacks, the committee directs the commander-in-chief, U.S. Space Command (CINCSpace) to ensure that the NMD concept-of-operations is flexible enough to accommodate and support a wide range of NMD system architectures and basing modes. CINCSpace shall inform the committee of his plans in this regard not later than September 15, 1996.

Navy upper tier

The budget request included \$58.2 million for Navy Upper Tier (PE 63868C). The committee recommends an additional \$246.0 million this high-priority project. The additional funds shall be used to accelerate the development, testing, and deployment of the Navy's theater-wide TMD system.

The committee is dismayed by the Department's refusal to include Navy Upper Tier as a "core" TMD program--as required by section 234 of the National Defense authorization Act for Fiscal Year 1996 (Public Law 104-106)--and the Department's proposal to reduce funding for this project in fiscal year 1997 by over \$140.0 million as compared to the amount authorized by Congress in fiscal year 1996. Furthermore, the committee directs the Secretary of Defense to provide adequate resources in the fiscal year 1998 budget request to accelerate the schedule for Navy Upper Tier in accordance with previous congressional direction.

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Year 1996 mandated in section 234 that the system achieve a first unit equipped (FUE) not later than fiscal year 2000. Despite this clear congressional direction, the Department of Defense has proposed a restructuring of the THAAD program as part of its BMD Program Update Review that is inconsistent with the law and congressional intent. There are two important aspects of this proposed restructuring. First, the Department proposed streamlining the planned EMD phase for THAAD by proceeding with production of the so-called user operational evaluation system (UOES) configuration. Subsequent improvements to enhance overall THAAD system robustness would be pursued in the future as warranted by threat developments. The committee supports this particular recommendation, which is consistent with the programmatic guidance it provided to the Department last year. Aside from yielding significant savings by simplifying the EMD phase of the program, this action could also be used to facilitate earlier fielding of the THAAD system.

The committee strongly disagrees with the second element of the Department's proposed restructuring of the THAAD program. This involves delaying the initiation of low-rate initial production (LRIP), and hence achievement of the FUE until fiscal year 2004, at the earliest. This proposal to delay LRIP reflects the administration's budgetary priorities, not military or technical considerations. The committee rejects this prioritization. If adopted, the administration's recommendation would mean that THAAD would be fielded 12 or more years after the program was initiated on a virtual "crash" basis to address the inadequacies in U.S. TMD capabilities that were illustrated during Operation Desert Storm. Furthermore, after fielding the UOES system in fiscal year 1998, there would be a four year delay before beginning LRIP, which would almost certainly lead to a shutdown of the production facility. This not only stretches the development phase of a system that would otherwise be ready for.

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THAAD

The budget request included \$269.0 million in PE 63861C for THAAD demonstration/validation (dem/val), and \$212.7 million in PE 64861C for THAAD engineering and manufacturing development (EMD). The committee continues to support the development, production, and fielding of THAAD as a matter of highest priority, and recommends an additional \$140.0 million in PE 63861C for the THAAD program.

The committee endorses the acquisition, beginning in fiscal year 1997, of a second THAAD radar, in order to reduce risk and support operational ground-testing. Of the \$140.0 million in additional funds authorized for THAAD, \$65.0 million shall be used for long-lead funding for a second THAAD radar.

The committee strongly objects to the Department's plan for THAAD that emerged from the BMD Program Review. That plan, which involves delaying the initiation of low-rate initial production (LRIP) and hence achievement of a first unit equipped (FUE) date of 2006, violates the letter and the spirit of section 234 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106). The committee directs the Secretary of Defense to include the necessary resources in the fiscal year 1998-2003 program objective memorandum (POM) to significantly accelerate the THAAD schedule.

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production, but shutting down the production facility is untenable from an industrial base perspective. For these reasons, the committee believes that the proposed delay is unacceptable.

The committee remains committed to fielding the THAAD system as quickly as technically feasible. Therefore, the committee directs the Secretary of Defense to structure the THAAD program to begin LRIP in fiscal year 1999 and to adjust the future years defense program accordingly. The committee recommends an increase of \$75.0 million in PE 63861C and an increase of \$65.0 million in PE 64861C, an overall increase of \$140.0 million for the THAAD program.

The committee also attaches importance to the UOES system, which will be delivered to the United States Army in fiscal year 1998. This system will provide valuable opportunities for training and testing. Most importantly, it will provide some limited operational capability in the event of a crisis. The committee questions the adequacy of a UOES capability based on 40 interceptor missiles. This would provide for just one load-out of missiles for each of the four THAAD UOES launchers. Once these missiles are used for testing purposes, or launched during a crisis, no reloads would be available. In this regard, the committee notes that 36 Patriot missiles were expended on the first day of combat during Operation Desert Storm. Accordingly, the committee believes that a total of 80 missiles is more appropriate, and directs the Secretary of Defense to include funding to acquire these additional 40 UOES missiles in the fiscal year 1998 budget request.

The administration's proposed program for THAAD does not include funding for a second EMD radar until very late in the program. The committee believes that there are many compelling reasons to fund this radar earlier. Specifically, a second EMD radar would reduce overall THAAD system development and production risk. The first EMD radar will be used primarily for flight testing at the Kwajalein test range. A second radar would be able to support operational ground testing, and could serve as a back-up asset in the event of unforeseen problems during the test program or to

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Section 231--Funding for Ballistic Missile Defense for Fiscal Year 1997

This section would authorize funding for ballistic missile defense research and development activities in fiscal year 1997.

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support testing activities at two locations (e.g., White Sands missile test range and Kwajalein). Procuring this second EMD radar beginning with long-lead funding in fiscal year 1997 would avoid disruption to the production line and hence would be more cost effective. Accordingly, the committee directs the Secretary of Defense to proceed with acquisition of a second EMD radar in fiscal year 1997 and provides \$65.0 million in long-lead funding for this purpose.

The committee has been concerned by the operational limitations of testing the THAAD system at the White Sands range. Numerous delays have already been imposed on the program due to these limitations. Therefore, the committee directs the Secretary of Defense to transition to flight testing at the Kwajalein range at the earliest practical opportunity. The committee is also concerned about the fact that the EMD request for proposal (RFP) has still not been finally issued. The committee directs the Secretary of Defense to issue the EMD RFP as soon as possible.

Navy upper tier (theater wide)

The budget request included \$58.2 million for continued development of the Navy Upper Tier (Theater Wide) TMD system. This is a significant reduction from the \$200.4 million authorized and appropriated in fiscal year 1996, and reflects the low priority that the administration attaches to this program. The committee does not support the Department's recommendation to delay the development and deployment of the Navy Upper Tier system and strenuously objects to the Department's disregard of requirements set forth in the law. The National Defense Authorization Act for Fiscal Year 1996 mandates that the Navy Upper Tier system become the fourth "core" TMD system and establishes accelerated milestones for this program. Specifically, a UOES capability was to be achieved in fiscal year 1999 and a FUE by fiscal year 2001. Under the administration's proposed program, these milestones would be delayed well into the next century. There is no technical reason why a Navy Upper Tier capability cannot be fielded on a much more aggressive schedule than proposed by the administration.

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The committee continues to support the Navy Upper Tier system as a matter of priority. Sea-based upper tier TMD capability provides an important complement to ground-based systems, and each has unique attributes. Sea-based upper tier systems can provide initial protection to facilitate the insertion of ground forces, including ground-based TMD systems, which in turn provide the firepower needed for sustained operations. A sea-based upper tier system would also offer the possibility of defending large areas where it may not be possible to insert ground-based TMD assets. Deployed together, ground-based and sea-based TMD can provide very robust protection through multiple engagement opportunities. The committee believes that both systems are essential.

The Statement of Managers (H. Rest. 104-450) accompanying the National Defense Authorization Act for Fiscal Year 1996 required the Director of BMDO to provide a report to the congressional defense committees by March 1, 1996, detailing the Department's plan for Navy Upper Tier, including options to reduce risk. Although the Department recently recommended that several kill vehicle options be considered, the budget request does not support an aggressive effort to identify and develop the most effective options for the Navy Upper Tier mission. Accordingly, the committee recommends a net increase in PE 63868C of \$246.0 million to support an accelerated Navy Upper Tier effort and to thoroughly evaluate the Lightweight Exoatmospheric Projectile (LEAP) and a modified version of the THAAD kill vehicles.

For the modified THAAD kill vehicle, the committee directs BMDO to begin funding the key modifications required to support the Navy Upper Tier mission, including a solid divert and attitude control system and AEGIS weapon system/vertical launch system integration activities. The committee recommends the use of \$50.0 million to support this effort in fiscal year 1997 from the overall amount authorized for the Navy Upper Tier program.

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The committee believes that the Navy, in conjunction with BMDO, should assess the potential that development of a new second stage motor for the Standard Missile could have for a range of missile defense and other applications. The committee believes that a new second stage motor could provide improved performance for sea-based BMD and could also support enhanced deep and fast strike missile options for the Naval Surface Fire Support mission. A new second stage could simplify integration issues associated with kill vehicle options for Navy Upper Tier and other BMD missions, thereby reducing the cost and complexity of the kill vehicle development program. In addition, such a new second stage could support future growth options for sea-based BMD. Accordingly, the committee recommends the use of \$25.0 million of the funds authorized for Navy Upper Tier to initiate this second stage motor development effort.

Corps Sam/medium extended air defense system

The budget request included \$56.2 million for the Corps surface-to-air missile (SAM)/Medium Extended Air Defense System (MEADS) program. Because of remaining concerns about the long-term viability and cost of this program, especially in light of the questionable European commitment to the program, the committee recommends two actions. First, the committee recommends a reduction of \$10.8 million in PE 63869C. The committee notes that the General Accounting Office has reviewed the Corps SAM budget request and concluded that such a reduction is in order. Second, the committee directs that none of the funds authorized for Corps SAM/MEADS for fiscal year 1997 be obligated until: (1) the MEADS Memorandum of Understanding (MOU) is signed by all parties; (2) the Secretary of Defense certifies to Congress that, pursuant to the MOU, the U.S. share of the costs for the MEADS program will not exceed 50 percent; and (3) the Secretary submits to the

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congressional defense committees the report on options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the Corps SAM requirement specified in the Statement of Managers accompanying the National Defense Authorization Act for Fiscal Year 1996.

United States-Israel Boost Phase Intercept Program

In the Statement of Managers accompanying the National Defense Authorization Act for Fiscal year 1996, the conferees endorsed a cooperative program between the United States and Israel to develop a kinetic energy boost-phase intercept program based on an unmanned aerial vehicle (UAV). The committee maintains its strong support for this concept. The budget request included \$9.3 million in the Joint TMD program element (PE 63872C) to continue this effort. The committee recommends that these funds be transferred to the BPI program element (PE 63870C) and that this amount be increased by \$15.0 million for a total authorization of \$24.3 million.

The committee believes that the first step of this U.S.-Israel BPI program should be a joint technology risk mitigation effort, aimed at reducing technological uncertainties and developing, to the extent possible, a common set of user requirements. If this proves successful, it can be followed by an advanced technology demonstration to validate the technical feasibility of the concept and the major system elements. This would enable the United States and Israel to evaluate the potential for a joint acquisition program or one in which both countries continue to collaborate on separate but mutually reinforcing efforts.

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National Missile Defense

The budget request included \$508.4 million for National Missile Defense (NMD) to support the administration's so-called deployment readiness program known as "3+3". Based on information received from the Department of Defense, the committee does not believe that the administration's proposed budget and program plan for NMD are adequate even to meet the stated purpose of its "deployment readiness" program. As acknowledged by the Director of BMDO in congressional testimony, the planned test program for the exoatmospheric kill vehicle (EKV) is inadequate to support a deployment decision within the framework of the "3+3" program. The administration's proposed NMD program consists of just five EKV flights: two in fiscal year 1997; two in fiscal year 1998; and one in fiscal year 1999. Under this plan, an NMD deployment decision supposedly could be made at the end of fiscal year 1999; however, such a decision would be based on a single integrated interceptor test. Furthermore, the test booster would not represent an operational configuration.

To support a lower risk and more robust NMD program, the committee believes that additional EKV flight tests are required. Specifically, the committee directs the Secretary of Defense to restructure the EKV program to support two flight tests in fiscal year 1997, three in fiscal year 1998, and four in fiscal year 1999. This requires the acquisition of additional kill vehicle and test booster hardware. Additionally, the committee directs the Secretary to upgrade the Payload Launch Vehicle (PLV) system to provide a more representative velocity regime and test environment for NMD system tests. To accomplish these objectives, and to ensure that other aspects of the NMD program are able to support an initial operational capability (IOC) in fiscal year 2003 (which the administration's proposal supposedly protects), the committee recommends an increase of \$300.0 million in PE 63871C. The committee recommends the use of \$50.0 million to begin upgrading the PLV and whatever funds are necessary to support the EKV flight profile specified above.

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	<p><u>Report Language</u> <u>Page196-203</u></p> <p>Joint theater missile defense</p> <p>The budget request included \$521.5 million in BMDO's Joint TMD program element (formerly known as Other TMD). The committee recommends a net increase of \$6.4 million in PE 63872C, including the following adjustments: (1) a transfer of \$9.3 million to the BPI program element for the U.S.-Israel Joint BPI program; (2) an increase of \$3.7 million for the Arrow Deployability Project (ADP), for a total authorization of \$35.0 million to fully fund the U.S. share of the program envisioned in the recently completed Memorandum of Agreement between the United States and Israel; (3) an increase of \$7.0 million for the Army's Advanced Research Center (ARC), for a total authorization of \$15.0 million; and (4) an increase of \$5.0 million for BMDO to ensure that the Navy's Cooperative Engagement Capability is compatible with all of BMDO's core TMD programs.</p>

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	Senate FY97 DOD Authorization SENATE FLOOR AMENDMENT (6/25/96)
	<p><u>DOMENICI AMENDMENT</u></p> <p>At the end of subtitle C of title II add the following:</p> <p>SEC. 237. SCORPIUS SPACE LAUNCH TECHNOLOGY PROGRAM.</p> <p>Of the amount authorized to be appropriated under section 201(4) for the Ballistic Missile Defense Organization for Support Technologies/Follow-On Technologies (PE 63173C), up to \$7,500,000 is available for the Scorpion space launch technology program.</p>

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SEC. 241. FUNDING FOR BALLISTIC MISSILE DEFENSE PROGRAMS FOR FISCAL YEAR 1997.

(a) Program Amounts.--Of the amount appropriated pursuant to section 201(4), the following amounts may be obligated for the following systems managed by the Ballistic Missile Defense Organization:

(1) For the Theater High Altitude Area Defense (THAAD) System, \$621,798,000.

(2) For the Navy Upper Tier (Theater Wide) system, \$304,171,000.

(3) For the National Missile Defense System, \$858,437,000.

(4) For the Corps Surface-to-Air Missile (SAM)/Medium Extended Air Defense System (MEADS) system, \$56,200,000.

(b) Limitation.--None of the funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act may be obligated or expended by the Office of the Under Secretary of Defense for Acquisition and Technology for official representation activities, or related activities, until the Secretary of Defense certifies to Congress that--

(1) the Secretary has made available for obligation the funds provided under subsection (a) for the purposes specified in that subsection and in the amounts appropriated pursuant to that subsection; and

(2) the Secretary has included the Navy Upper Tier theater missile defense system in the theater missile defense core program.

(c) Limitations.--Not more than \$15,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees the following:

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Funding for ballistic missile defense programs for fiscal year 1997 (sec. 241)

The House bill contained a provision (sec. 231) that would authorize funding for ballistic missile defense research and development activities in fiscal year 1997.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the following amounts for the following programs:

(1) \$621.8 million for the Theater High Altitude Area Defense System;

(2) \$304.2 for the Navy Upper Tier system;

(3) \$858.4 for National Missile Defense;

(4) \$56.2 for the Corps Surface-to-Air Missile (SAM)/Medium Extended Air Defense (MEADS) program.

The amended provision would also include the following limitations: (1) a limitation on the use of funds for the Office of the Under Secretary of Defense for Acquisition and Technology for official representation until the Secretary of Defense certifies that the above specified funds have been made available for obligation and the Secretary has included the Navy Upper Tier system in the theater missile defense core program; and (2) a limitation on the obligation of more than \$15.0 million for the Corps SAM program until the Secretary of Defense submits to Congress an initial program estimate, a report on Corps SAM alternatives, and a certification that there will be no increase in overall U.S. funding commitment as a result of the withdrawal of France from the project definition and validation phase of the program.

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(1) An initial program estimate for the Corps SAM/MEADS program, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.

(2) A report on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).

(3) A certification that there will be no increase in overall United States funding commitment to the project definition and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

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The fiscal year 1997 budget request for the Ballistic Missile Defense Organization (BMDO) was \$2.8 billion, including research, development, test, and evaluation (RDT&E), procurement, and military consideration.

The House bill would authorize an increase of \$724.8 million for BMDO.

The Senate amendment would authorize an increase of \$855.9 million for BMDO.

The conferees agree to authorize a total of \$3,712.9 million for BMDO, an increase of \$914.2 million above the budget request. The conferees' recommended funding allocations are summarized in the following table. Additional programmatic and funding guidance are also provided below.

BMDO FUNDING ALLOCATION

[Millions of dollars]

<u>Program</u>	<u>Request</u>	<u>Change</u>	<u>Rec</u>
Support Technology	226.3	+147.5	373.8
THAAD	481.8	+140.0	621.8
Hawk*	19.4		19.4
TMD-BM/C3*	19.3		19.3
Navy Lower Tier**	310.7		310.7
Navy Upper Tier	58.2	+246.0	304.2
Corps SAM	56.2		56.2
BPI		+24.3	24.3
NMD	508.4	+350.0	858.4
Joint TMD***	521.5	+6.4	527.9
PAC-3**	596.9		596.9
BMDO Total	2,798.7	+914.2	3,712.9

* Procurement only.

** Procurement and RDT&E.

*** RDT&E and Military Construction.

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SUPPORT TECHNOLOGY

The budget request for BMDO's support technology programs (PE 62173C/63173C) was \$226.3 million. The conferees agree to authorize a net increase of \$147.5 million for support technology.

The conferees support BMDO's efforts in the area of wide bandgap electronics that are funded in the Innovative Science and Technology program (project 1651). The conferees agree to authorize an increase of \$10.0 million in PE 62173C to facilitate a wide bandgap electronics program specifically targeting gallium nitride and silicon carbide as the major semiconductor technologies to be developed. The program should be affiliated with an academic institution involving a research and development facility for material growth, material characterization (including material surface behavior), and wide bandgap semiconductor device development.

The conferees recommend an increase of \$20.0 million in PE 63173C for United States-Russian cooperative BMD programs and activities, as specified in the House report (H. Rep. 104-563). The conferees recommend an increase of \$7.5 million in PE 63173C for the Scorpius space launch technology demonstration program.

The conferees strongly support BMDO's development of the Atmospheric Interceptor Technology (AIT) program and recommend an increase of \$40.0 million in PE 63173C for the AIT program.

The conferees continue to support development of the Space-Based Laser (SBL) program. SBL offers the potential for a high leverage system to deal with ballistic missiles of virtually all ranges. The conferees agree to authorize an increase of \$70.0 million in PE 63173C to continue the SBL effort. The conferees believe that the Air Force should begin to take a much more active role in developing the SBL program. Specifically, the committee believes that the Air Force Space and Missile Systems Center should play a key role in designing a demonstrator spacecraft and providing detailed cost estimates for completion of such a demonstration program.

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THEATER HIGH ALTITUDE AREA DEFENSE SYSTEM

The budget request included \$481.8 million to complete Theater High Altitude Area Defense (THAAD) demonstration and validation (Dem/Val) and to begin engineering and manufacturing development (EMD). The conferees continue to support the development, production, and fielding of THAAD as a matter of highest priority. The conferees remain committed to fielding the THAAD system as quickly as technically feasible. The conferees agree to authorize an increase of \$75.0 million in PE 63861C and an increase of \$65.0 million in PE 64861C, an overall increase of \$140.0 million for the THADD program.

The conferees also attach importance to the THAAD User Operational Evaluation (UOES) system. This system will provide valuable opportunities for training and testing. Most importantly, it will provide some limited operational capability in the event of a crisis. However, the conferees question the adequacy of a UOES capability based on 40 interceptor missiles.

The conferees believe that a total of 80 missiles is more appropriate, and direct the Secretary of Defense to include funding to acquire these additional 40 UOES missiles in the fiscal year 1998 budget request. The administration's proposed program for THAAD does not include funding for a second EMD radar until very late in the program. The conferees believe that there are many compelling reasons to fund this radar earlier. Accordingly, the conferees direct the Secretary of Defense to proceed with acquisition of a second EMD radar in fiscal year 1997 and agree to authorize \$65.0 million in long-lead funding for this purpose.

The conferees strongly reject the idea that the THAAD development program should be delayed so as to allow a "fly-off" between THAAD and the Navy Upper Tier system.

The conferees understand that the Army plans to complete THAAD dem/val flight testing at the White Sands Missile Range and transition to flight testing at the Kwajalein Missile Range for the EMD phase. The conferees support this plan.

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	<p><u>Report Language</u> <u>Page 656-661</u></p> <p>NAVY UPPER TIER (THEATER WIDE)</p> <p>The budget request included \$58.2 million for continued development of the Navy Upper Tier (Theater Wide) TMD system. This is a significant reduction from the \$200.4 million authorized and appropriated in fiscal year 1996, and reflects the low priority that the administration attaches to this program. The conferees do not support the Department's recommendation to delay the development and deployment of the Navy Upper Tier system.</p> <p>The National Defense Authorization Act for Fiscal Year 1996 mandates that the Navy Upper Tier system become the fourth "core" TMD system and establishes accelerated milestones for this program. The conferees have not been made aware of any technical reasons why a Navy Upper Tier capability cannot be fielded on a much more aggressive schedule than proposed by the administration.</p> <p>The conferees continue to support the Navy Upper Tier system as a matter of priority. Sea-based upper tier TMD capability provides an important complement to ground-based systems, and each has unique attributes. Accordingly, the conferees recommend a net increase in PE 63868C of \$246.0 million to support an accelerated Navy Upper Tier program.</p> <p>The conferees are aware that BMDO has begun evaluating the key modifications required for the THAAD kill vehicle to be a candidate for the Navy Upper Tier mission. The conferees recommend the use of not more than \$10.0 million to support this effort in fiscal year 1997 from the overall amount authorized for the Navy Upper Tier program, and not more than \$10.0 million from the overall amount authorized for THAAD for this purpose.</p> <p>The conferees believe that the Navy, in conjunction with BMDO, should assess the potential that development of a new second stage motor for the Standard Missile could have for a range of missile defense applications. Accordingly, the conferees recommend the use of \$10.0 million of the funds authorized for Navy Upper Tier to initiate this second stage motor development effort.</p>

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CORPS SAM/MEDIUM EXTENDED AIR DEFENSE SYSTEM

The budget request included \$56.2 million for Corps surface-to-air missile (SAM)/Medium Extended Air Defense System (MEADS) program. The conferees endorse the MEADS program, which is required to defend forward- deployed troops, and approve the budget request, subject to limitation specified elsewhere in this report.

UNITED STATES-ISRAEL BOOST PHASE INTERCEPT PROGRAM

In the Statement of Managers accompanying the National Defense Authorization Act for Fiscal Year 1996, the conferees endorsed a cooperative program between the United States and Israel to develop a kinetic energy boost-phase intercept program based on an unmanned aerial vehicle (UAV). The conferees maintain their strong support for this concept. The budget request included \$9.3 million in the Joint TMD program element (PE 63872C) to continue this effort. The conferees recommend that these funds be transferred to the BPI program element (PE 63870C) and that this amount be increased by \$15.0 million for a total authorization of \$24.3 million.

The conferees believe that the first step of this U.S.-Israel BPI program should be a joint technology risk mitigation effort, aimed at reducing technological uncertainties. If this proves successful, it can be followed by an advanced technology demonstration to validate the technical feasibility of the concept and the major system elements. This would enable the United States and Israel to evaluate the potential for a joint acquisition program or one in which both countries continue to collaborate on separate but mutually reinforcing efforts.

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	<p><u>Report Language</u> <u>Page 656-661</u></p> <p>NATIONAL MISSILE DEFENSE</p> <p>The budget request included \$508.4 million for National Missile Defense (NMD). Based on information received from the Department of Defense, the conferees do not believe that the administration's proposed budget and program plan for NMD are adequate even to meet the stated purpose of its "deployment readiness" program. As acknowledged by the Director of BMDO in congressional testimony, the planned test program for the exoatmospheric kill vehicle (EKV) is inadequate to support a deployment decision within the framework of the "3+3" program. The administration's proposed NMD program consists of just five EKV flights: two in fiscal year 1997; two in fiscal year 1998; and one in fiscal year 1999. Under this plan, the NMD deployment decision supposedly could be made at the end of fiscal year 1999; however, such a decision would be based on a single integrated interceptor tests. Furthermore, the test booster would not represent an operational configuration.</p> <p>To support a lower risk and more robust NMD program, the conferees believe that additional EKV flight tests are required. Specifically, the conferees direct the Secretary of Defense to restructure the EKV program to support two flight tests in fiscal year 1997, three in fiscal year 1998, and four in fiscal year 1999. This requires the acquisition of additional kill vehicle and test booster hardware. Additionally, the conferees direct the Secretary to evaluate the advantages of upgrading the Payload Launch Vehicle (PLV) system to provide a more representative velocity regime and test environment for NMD system tests. To accomplish these objectives, and to ensure that other aspects of the NMD program are able to support an initial operational capacity (IOC) in fiscal year 2003 (which the administration's proposal supposedly protects), the conferees recommend an increase of \$350.0 million in PE 63871C.</p> <p>The conferees commend the Under Secretary of Defense (Acquisition and Technology) for his recent decision to establish an NMD joint-service program office (JPO), and direct the Director of BMDO to ensure full participation by the Army,</p>

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
	<p><u>Report Language</u> <u>Page 656-661</u></p> <p>Navy, and Air Force in the JPO. In addition, the committee directs the Director of BMDO to ensure that the EKV and associated booster designs are compatible with the widest possible range of NMD system architectures and basing modes. The conferees direct that the Director of BMDO inform the Senate Committee on Armed Services and the House Committee on National Security of his plans in this regard not later than February 15, 1997.</p> <p>The conferees note that the prototype ground-based radar (GDR-P) is an important NMD system element, and the GBR-P is scheduled to begin testing at U.S. Army Kwajalein Atoll (USAKA) in 1998. This schedule must be maintained, or accelerated, in order to realize cost savings associated with leveraging the THAAD radar program and test schedule. Of the amounts authorized in PE 63871C, the conferees recommend \$68.0 million for GBR-P in order to ensure that the radar is available for integrated system testing in fiscal year 1998.</p> <p>. The conferees recognize the importance of the Midcourse Space Experiment (MSX) for collecting and analyzing background data of use to future midcourse sensors such as the Space Missile and Tracking System. The conferees are concerned, however, that BMDO has failed to budget funds to continue operations through the end of the expected lifetime of the satellite. Therefore, the conferees strongly urge the Director, BMDO to provide adequate funds in the fiscal year 1998 budget submission and over the Future Years Defense Plan (FYDP) for MSX satellite operations.</p> <p>The conferees understand the importance of an effective battle management/command, control, and communications (BM/C3) architecture to overall NMD system performance and reliability. In this regard, the conferees are aware of proposals to leverage existing TMD BM/C3 capabilities, including such capabilities being developed under the THAAD program, to support an NMD system. The committee therefore urges the Director, BMDO to study these proposals and inform the committee not later than February 15, 1997, of his views in this regard.</p>

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
	<p><u>Report Language</u> <u>Page 656-661</u></p> <p>JOINT NATIONAL TEST FACILITY</p> <p>The budget request included \$5.8 million for Joint National Test Facility (JNTF) modernization, split among program elements 63871C, 63872C, and 63173C. To adequately satisfy the complex missile defense integration requirements leading to successful joint tests, analysis, war gaming, CINC exercises, and acquisition support, the conferees recommend \$15.0 million be made available for modernization, computational and wide area network capabilities in support of the Ballistic Missile Defense Network (BMDN) from within the program elements listed above.</p> <p>MANAGEMENT</p> <p>The budget request did not contain a separate program element for management. The House bill recommended a general reduction of \$15.0 million for management.</p> <p>The Senate did not recommend a reduction for management.</p> <p>The House recedes.</p> <p>JOINT THEATER MISSILE DEFENSE</p> <p>The budget request included \$521.5 in BMDO's Joint TMD program element (formerly known as Other TMD). The committee recommends a net increase of \$6.4 million in PE 63872C, including the following adjustments: (1) a transfer of \$9.3 million to the BPI program element for the U.S.-Israel Joint BPI program; (2) an increase of \$3.7 million for the Arrow Deployability Project (ADP), for a total authorization of \$35.0 million to fully fund the U.S. share of the program envisioned in the recently completed Memorandum of Agreement between the United States and Israel; (3) an increase of \$7.0 million for the Army's Advanced Research Center (ARC), for a total authorization of \$15.0 million; and (4) an increase of \$5.0 million for BMDO to ensure that the Navy's Cooperative Engagement Capability is compatible with all of BMDO's core TMD programs.</p>

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

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FUNDING FOR UPPER TIER THEATER MISSILE DEFENSE SYSTEMS

The Senate amendment contained a provision (sec. 232) that would authorize funds for the Theater High Altitude Area Defense (THAAD) system and the Navy Upper Tier theater missile defense (TMD) system. The provision would also prohibit the use of funds during fiscal year 1997 by the Undersecretary of Defense for Acquisition and Technology for official representation activities until the Secretary of Defense certifies to Congress that: (1) fiscal year 1997 funds for THAAD and Navy Upper Tier have been made available for obligation; and (2) the Navy Upper Tier system has been included in the core TMD program.

The House bill contained no similar provision.

The Senate recedes.

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)

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Research, Development, Test, and Evaluation, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$9,068,558,000, to remain available for obligation until September 30, 1998: Provided, That not less than \$304,171,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program.

Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)

Bill Language
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Research, Development, Test and Evaluation, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment; \$9,190,092,000, to remain available for obligation until September 30, 1998.

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)

Report Language

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While the debate on missile defenses is moving towards a focus on "national missile defense" systems to protect the continental United States, the Committee observes that even Secretary Perry has acknowledged that prospective deployment dates of key theater ballistic defense systems (such as THAAD and the Navy Upper-Tier program), which have been given precedence over national systems in the budget, have slipped from the schedules set forth in last year's Defense Authorization and Appropriations Acts solely because of the lack of funding proposed in the President's budget. The Committee finds it difficult to understand why, more than five years after the threat of theater ballistic missiles to our forces in the field and our allies moved from the realm of possibility to reality during the Gulf War, the Administration continues to delay the deployment of effective theater missile defenses because of self-imposed fiscal constraints.

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Missile defense: The Committee recommends total funding of \$3.5 billion, a net increase of \$705 million, for Ballistic Missile Defense, including an additional \$350 million for national missile defense and \$386 million for theater systems. The Committee has fully funded the budget request for the joint U.S.-Israel ARROW missile defense program, and has added \$55 million for the joint U.S.-Israel "Nautilus" Tactical High-Energy Laser program, which was not budgeted. Also, mindful of the growing threat to U.S. forces posed by both theater ballistic and cruise missiles, the Committee has continued its long-standing emphasis on ship self-defense and "cooperative engagement" (the sharing of tracking and targeting information among many different platforms) and has added \$111 million over the budget for these efforts.

Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)

Report Language

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Procurement, Defense-wide

Appropriations, 1996	\$2,124,379,000
Budget estimate, 1997	1,841,212,000
Committee recommendation	1,773,794,000

The Committee recommends an appropriation of \$1,773,794,000 for the "Procurement, defense-wide" account for fiscal year 1997, a decrease of \$67,418,000 below the budget estimate.

This appropriation provides for procurement of capital equipment for the Office of the Secretary of Defense, the Defense Nuclear Agency, the Defense Information Systems Agency, the Defense Logistics Agency, the Defense Mapping Agency, the Defense Investigative Service, the Defense Contract Audit Agency, the Defense Support Project Office, the Joint Staff, the On-Site Inspection Agency, the Ballistic Missile Defense Organization, special operations forces, and other classified and unclassified activities of the Department of Defense. The program includes procurement of automatic data processing equipment, mechanized material handling systems, general and special purpose vehicles, supplies, spare parts, communications equipment, expansion of public and private plants, acquisition of land, and for other purposes.

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)

Report Language Page 14

Reduction of lower-priority programs: The following table shows selected programs in the budget request which the Committee has eliminated or reduced based on their possessing a relatively low priority or where the requested funding was excessive.

Defense Commercialization Programs	-\$313,000,000
NATO RDT&E	-53,000,000
Civil/Military Programs	-45,000,000
OSD Technical Studies	-35,000,000
Environmental Intelligence	-9,500,000
National Security Education Trust Fund	-5,100,000

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PROCUREMENT

The Committee recommends \$43,871,857,000 in new obligational authority for Procurement, an increase of \$5,734,748,000 over the fiscal year 1997 budget request, but a decrease from the current fiscal year when measured in constant dollars. Major programs funded in the bill include the following:

\$263,173,000 for Ballistic Missile Defense

Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)

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Ballistic missile defense organization [BMDO].--The Committee has provided \$3,390,082,000 for research, development, test and evaluation [RDT&E] efforts on national and theater ballistic missile defense systems and technologies. This appropriation represents an overall increase of \$855,900,000 to the Ballistic Missile Defense Organization [BMDO] RDT&E budget request. The Committee has also approved the budget request amount for procurement of missile defense systems, \$263,173,000, in the "Procurement, defense-wide" account. Thus, the total appropriation for ballistic missile defense programs in this bill is \$3,654,659,000, the amount approved in the Senate reported bill authorizing DOD programs for fiscal year 1997. The Committee has made a number of adjustments to individual RDT&E accounts.

[In thousands of dollars]

Item	Budget est	Committee recomm	Change from budget estimate
Support tech/follow-on tech:			
Applied research	94,023	104,023	+10,000
Advanced technology dev	132,319	272,319	+140,000
Theater high-altitude area def system--TMD--dem/val	269,000	304,000	+35,000

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)

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The Committee recommends \$37,611,031,000 in new obligational authority for Research, Development, Test and Evaluation, an increase of \$2,865,359,000 from the budget. Major programs funded in the bill include the following:

\$3,238,950,000 for Ballistic Missile Defense

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BALLISTIC MISSILE DEFENSE

The budget requested \$2,534,182,000 for Ballistic Missile Defense in the Research, Development, Test and Evaluation title of this bill. The Committee recommends \$3,238,950,000 for the Ballistic Missile Defense Organization's (BMDO) research and development programs, an increase of \$704,768,000, as proposed in the House-passed Defense Authorization bill. The Committee recommends specific changes in Ballistic Missile Defense programs as detailed in the table below.

[In thousands of dollars]

	Budget request	Committee recomm	Change from request
National Missile Defense	508,437	858,437	+350,000
Theater High-Altitude Area Def	481,798	621,798	+140,000
Navy Upper Tier	58,171	304,171	+246,000
Corps Sam (MEADS)	56,232		-56,232
Support/Follow on Technologies	132,319	172,319	+40,000
General Reduction Management			-15,000

Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)

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[In thousands of dollars]

Item	Budget est	Committee recomm	Change from budget estimate
Navy upper tier TMD-- demonstration/validation	58,171	304,171	+246,000
CORPS surface-to-air missile-- TMD--demon/val	56,232	45,432	-10,800
Boost phase intercept		24,000	+24,300
National missile defense-- demonstration/validation	508,437	808,437	+300,000
Joint theater missile defense-- demonstration/validation	520,111	526,511	+6,400
ARROW deployability proj	31,300	35,000	+3,700
TMD existing system modifications--EAGLE			-19,766
United States-Israel boost phase intercept			-9,300
Advanced Research Center		15,000	+7,000
Cooperative engagement capability integration with TMD core systems			+5,000
Airborne sensors for ballistic missile tracking			+19,766

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

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[In thousands of dollars]

	Budget est	Committee recomm	Change from budget estimate
Kauai test facility at PMRF			(5,000)
Theater high-altitude area defense system--TMD-- EMD	212,798	317,798	+105,000

Support technologies/follow-on technologies--applied research and advanced technology development.--The Committee recommendation for these two program elements includes an increase of \$150,000,000. The Committee supports the efforts of the Director of BMDO to remedy the underfunding of BMDO's advanced technology issues. The Committee urges BMDO to achieve the dedication of approximately 12 percent of its funds to advanced technology efforts.

The Committee has included \$10,000,000 for a wide bandgap electronics program in the applied research program element. This program will target development of gallium nitride and silicon carbide as semiconductors and will be affiliated with an academic institution, as described in the Senate reported DOD authorization bill.

Of the additional advanced technology development funds, an increase of \$40,000,000 is recommended to continue the Atmospheric Interceptor Technology [AIT] Program, providing a total of \$47,442,000. AIT is designed to develop and flight test the advanced kill vehicle lightweight technologies necessary for future hypersonic hit-to-kill interceptors, and to provide technology insertion, preplanned product improvement [P/3/I] and reduced life cycle costs for BMDO core programs.

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

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The Committee recommended increase also includes \$20,000,000 only to continue efforts under the Russian-American Observational Satellite [RAMOS] Program.

Finally, the remaining additional funds are provided to address priority shortfalls in advanced technology as well as key investment opportunities. A number of investment opportunities were highlighted by the Director of BMDO during testimony before the Committee. The Committee believes the following activities should be considered when allocating the additional increase amount: sensor and seeker component programs; interceptor component programs; photon laser spacecraft; directed energy concepts; phenomenological research; space-based laser [SBL] program; and battle management and command, control, and communications [BMC/3/] components.

Sensors (active and passive).--The Committee understands that the midcourse space experiment [MSX] may provide valuable data for use in designing theater and national missile defense systems. The Committee strongly urges BMDO to fully fund the operation of MSX, including data analysis efforts, during fiscal year 1997.

Joint theater missile defense--demonstration/validation.--The Committee notes that the budget request for this program element includes \$19,766,000 for development of the extended airborne global launch evaluator [EAGLE]. EAGLE is intended to provide a theater ballistic missile [TBM] detection capability for the airborne warning and control system [AWACS]. Budget documents indicate that over \$55,000,000 will be spent demonstrating the EAGLE concept in preparation for an engineering and manufacturing development [EMD] program.

The Committee is also aware of a proposal to transfer Cobra Ball technology to Rivet Joint. This program would allow Rivet Joint aircraft to provide long-range detection and tracking of ballistic missile launches. The Committee understands that it is expected to cost \$70,000,000 over 4 years to provide this capability to all Rivet Joint aircraft.

The Committee believes the development of both capabilities is unaffordable and unnecessary. The Committee recommendation cuts the budget request amount for AWACS EAGLE. The Committee has added these funds to a new project, airborne sensors for ballistic missile tracking. The Committee directs that the Under Secretary

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

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of Defense (acquisition and technology) [USD(A&T)] evaluate AWACS EAGLE, Rivet Joint technology transfer, and any other concepts for cost effectively providing an airborne sensor capability to detect and track ballistic missiles. The Committee directs that the USD(A&T) provide a plan for developing this capability and allocating the appropriated funds no later than May 1, 1997.

The Committee understands that the Space and Strategic Defense Command's [SSDC] Advanced Research Center [ARC] has proven to be a valuable asset in the analysis and testing of theater and national missile defense systems. The Committee recommends an increase of \$7,000,000, providing a total of \$15,000,000 to fund the SSDC's ARC.

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)	FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)																								
<p><u>Statutory Language</u></p> <p><u>Page 87-88</u></p> <p><i>Provided, That not less than \$304,171,000 of the funds appropriate in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program.</i></p> <p><u>Page 122</u></p> <p><i>Sec. 8136. (a) In addition to any other reductions required by this Act, the following funds are hereby reduced from the following accounts in title IV of this Act in the specified amounts:</i></p> <p><i>"Research, Development, Test and Evaluation, Army", \$101,257,000;</i></p> <p><i>"Research, Development, Test and Evaluation, Navy", \$164,179,000;</i></p> <p><i>"Research, Development, Test and Evaluation, Air Force", \$289,992,000;</i></p> <p><i>"Research, Development, Test and Evaluation, Defense-Wide", \$119,483,000;</i></p> <p><i>Developmental Test and Evaluation, Defense", \$5,641,000.</i></p> <p><i>(b) The reductions taken pursuant to subsection (a) shall be applied on a pro-rata basis by subproject within each R-1 program element as modified by this Act, except that no reduction may be taken against the funds made available to the Department of Defense for Ballistic Missile Defense.</i></p> <p><i>(c) Unless expressly exempted by subsection (b), each program element, program, project, subproject, and activity funded by title IV of this Act shall be allocated a pro-rata share of any of the reductions made by this section.</i></p> <p><i>(d) Not later than 60 days after enactment of this Act, the Secretary of Defense shall submit to the Congressional defense committees a report listing the specific funding reductions allocated to each category listed in subsection (c) above pursuant to this section.</i></p>	<p><u>Report Language</u></p> <p><u>Page 937</u></p> <p>TECHNOLOGIES</p> <table> <tr> <td>RAMOS</td><td>+10.000</td></tr> <tr> <td>Advanced Interceptor Tech</td><td>+40.000</td></tr> <tr> <td>Advanced Tech Development</td><td>+10.000</td></tr> <tr> <td>(seekers, interceptors, photon laser spacecraft, Scorpius, directed energy, etc.)</td><td></td></tr> <tr> <td>Space-based laser</td><td>+70.000</td></tr> </table> <p>OTHER TMD</p> <table> <tr> <td>ARROW Deployability</td><td>+ 3.700</td></tr> <tr> <td>TMD Existing systems mod-EAGLE</td><td>-19.766 (new line)</td></tr> <tr> <td>U.S. Israel boost phase intercept</td><td>- 9.300 (new line)</td></tr> <tr> <td>Advanced Research Center</td><td>+ 7.000</td></tr> <tr> <td>Cooperative Engagement Capability</td><td>+ 4.000</td></tr> <tr> <td>Airborne sensors for ballistic missile tracking</td><td>+19.766</td></tr> <tr> <td>Kauai Test Facility at PMRF</td><td>(5.000)</td></tr> </table> <p><u>Page 958</u></p> <p>The conferees included a general provision (Section 8136) which makes a general reduction to Research, Development, Test and Evaluation appropriations accounts with the exception of funds appropriated for Ballistic Missile Defense.</p>	RAMOS	+10.000	Advanced Interceptor Tech	+40.000	Advanced Tech Development	+10.000	(seekers, interceptors, photon laser spacecraft, Scorpius, directed energy, etc.)		Space-based laser	+70.000	ARROW Deployability	+ 3.700	TMD Existing systems mod-EAGLE	-19.766 (new line)	U.S. Israel boost phase intercept	- 9.300 (new line)	Advanced Research Center	+ 7.000	Cooperative Engagement Capability	+ 4.000	Airborne sensors for ballistic missile tracking	+19.766	Kauai Test Facility at PMRF	(5.000)
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BALLISTIC MISSILE DEFENSE FUNDING (CONT)

FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96)	FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)
<p><u>Statutory Language</u></p> <p><u>Page 122-123</u></p> <p><i>Sec. 8137. In addition to amounts appropriated or otherwise made available in this Act, \$230,680,000 is hereby appropriated to the Department of Defense for anti-terrorism, counter-terrorism, and security enhancement programs and activities, as follows:</i></p> <p><i>"Operation and Maintenance, Army", \$15,249,000;</i> <i>"Operation and Maintenance, Navy", \$23,956,000;</i> <i>"Operation and Maintenance, Marine Corps", \$600,000;</i> <i>"Operation and Maintenance, Air Force", \$10,750,000;</i> <i>"Operation and Maintenance, Defense-Wide", \$29,534,000;</i> <i>"Operation and Maintenance, Navy Reserve", \$517,000;</i> <i>"Other Procurement, Army", \$5,252,000;</i> <i>"Other Procurement, Air Force", \$101,472,000;</i> <i>"Procurement, Defense-Wide", \$35,350,000;</i> <i>"Research, Development, Test and Evaluation, Defense-Wide", \$8,000,000:</i></p> <p><i>Provided, That such amounts in their entirety are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds appropriated in this section, or made available by transfer of such funds, for programs and activities of the Central Intelligence Agency shall remain available until September 30, 1997: Provided further, That funds appropriated in this section, or made available by transfer of such funds, to any intelligence agency" or activity of the United States Government shall be deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).</i></p>	<p><u>Report Language</u></p> <p><u>Page 958</u></p> <p>The conferees have included two general provisions (Sections 8137 and 3138), as well as a new title (Title IX), in order to provide full funding of the President's request of September 12, 1996, for additional Department of Defense programs and initiatives relating to anti-terrorism, counter- terrorism, and security enhancements.</p> <p>This request totalled \$353,280,000. In Section 8137, the conferees agree to provide \$230,680,000 in fiscal year 1997 funds for programs requested by the President. This additional funding is offset in Section 8138. In Title IX, the conference agreement includes an additional \$122,600,000 in fiscal year 1996 supplemental appropriations, as requested by the President to reimburse the Department for costs incurred by ongoing force protection actions in Saudi Arabia, ordered in the wake of the Khobar Towers bombing. The funding in Title IX is also totally offset, through rescissions from prior year Department of Defense Appropriations Acts.</p>

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

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Sec. 8138. Of the amounts provided in Titles I through VIII of this Act, \$230,680,000 are permanently canceled: Provided, That the Secretary of Defense shall allocate the amount of budgetary resources canceled by this section on a pro-rata basis among each budget activity, activity group and subactivity group and each program, project or activity within each appropriations account.

Titles I through VIII of this Act may be cited as the "Department of Defense Appropriations Act, 1997"

BALLISTIC MISSILE DEFENSE FUNDING (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

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Sec. 9001. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded, as of the date of enactment of this Act, from the following accounts in the specified amounts:

"Procurement of Ammunition, Army, 1994/1996", \$1,000,000;

"Other Procurement, Army, 1994/1996", \$6,000,000;

"Research, Development, Test and Evaluation, Army, 1995/1996", \$2,055,000;

"Aircraft Procurement, Navy, 1994/1996", \$10,157,000;

"Weapons Procurement, Navy 1994/1996", \$10,688,000;

"Other Procurement, Navy, 1994/1996", \$4,000,000;

"Research, Development, Test and Evaluation, Navy, 1995/1996", \$6,909,000;

"Aircraft Procurement, Air Force, 1994/1996", \$18,771,000;

"Missile Procurement, Air Force, 1994/1996", \$10,156,000;

"Other Procurement, Air Force, 1994/1996", \$14,395,000;

*"Research, Development, Test and Evaluation, Air Force, 1995/1996",
\$4,918,000;*

"Procurement, Defense-Wide, 1994/1996", \$9,954,000;

*"Research, Development, Test and Evaluation, Defense-Wide, 1995/1996",
\$23,597,000.*

SPACE-BASED INFRARED SYSTEM PROGRAM

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Bill Language Page 46

SEC. 219. SPACE-BASED INFRARED SYSTEM PROGRAM.

(a) Funding.--Funds appropriated pursuant to the authorization of appropriations in section 201(3) are authorized to be made available for the Space-Based Infrared System program for purposes and in amounts as follows:

(1) For Space Segment High, \$180,390,000.

(2) For Space Segment Low (the Space and Missile Tracking System), \$247,221,000.

(3) For Cobra Brass, \$6,930,000.

(b) Limitation.--None of the funds authorized under subsection (a) to be made available for the Space-Based Infrared System program may be obligated or expended until the Secretary of Defense certifies to Congress that the requirements of section 216(a) of Public Law 104-106 (110 Stat. 220) have been carried out.

(c) Program Management.--Before the submission of the President's budget for fiscal year 1998, the Secretary of Defense shall conduct a review of the appropriate management responsibilities for the Space and Missile Tracking System, including whether transferring such management responsibility from the Air Force to the Ballistic Missile Defense Organization would result in improved program efficiencies and support.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language Page 33-34

SEC. 213. SPACE-BASED INFRARED SYSTEM PROGRAM.

(a) Funding.--Funds appropriated pursuant to the authorization of appropriations in section 201(3) are authorized to be made available for the Space-Based Infrared System program for purposes and in amounts as follows:

(1) For Space Segment High, \$192,390,000.

(2) For Space Segment Low (the Space and Missile Tracking System), \$247,221,000.

(3) For Cobra Brass, \$6,930,000.

(b) Conditional Transfer of Management Oversight.--Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall transfer the management oversight responsibilities for the Space and Missile Tracking System from the Secretary of the Air Force to the Director of the Ballistic Missile Defense Organization.

(c) Certification.--If, within the 30-day period described in subsection (b), the Secretary of Defense submits to Congress a certification that the Secretary has established a program baseline for the Space-Based Infrared System that satisfies the requirements of section 216(a) of Public Law 104-106 (110 Stat. 220), then subsection (b) of this section shall cease to be effective on the date on which the Secretary submits the certification..

SPACE-BASED INFRARED SYSTEM PROGRAM (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

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Space-based infrared system program

The budget request included \$113.2 million for the low component of the space-based infrared system (SBIRS) program and \$6.9 million for Cobra Brass in PE 63441F, and \$173.3 million in PE 64441F for the high component. The committee recommends \$247.2 million, an increase of \$134.0 million, for SBIRS low (the Space and Missile Tracking System), \$180.3 million, an increase of \$7.0 million, for the high component, and the requested amount for Cobra Brass.

The committee reaffirms support for the Space and Missile Tracking System (SMTS) program baseline established in section 216 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106). However, the committee is dismayed by the Department's continued withholding of \$51.0 million of the total amount authorized and appropriated by Congress in fiscal year 1996 for SMTS. These funds are needed to support and implement the Department's own strategy of increasing competition within the program. The committee directs the Secretary of Defense to release these funds immediately.

The statement of managers accompanying the conference report on S. 1124 (H.Rept. 104-450) endorsed giving the Block I SMTS a missile defense focus. The committee is interested in learning more about how the Department has interpreted this guidance. Therefore, the committee directs the Secretary of Defense to provide a report to the Congressional defense committees on the functional allocation of requirements among the highly-elliptical orbit (HEO), geosynchronous (GEO), and low earth orbit (LEO) components of SBIRS. The report shall describe the planned design configuration of the SMTS Block I satellite constellation, and the HEO and GEO components, including the extent to which each component will be capable

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

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Section 213. Space-based infrared system program.

Section 216 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) requires the Secretary of Defense to prepare and submit to Congress a new program baseline for the Space-Based Infrared System (SBIRS) program, including an accelerated schedule for development and deployment of the Space and Missile Tracking System (SMTS). The committee has been disappointed by the Department's delay in responding to this statutory guidance and reluctance to obligate funds appropriated for SMTS in fiscal year 1996. Due to this lack of responsiveness, the committee recommends a provision that would provide for the conditional transfer of SMTS back to the Ballistic Missile Defense Organization (BMDO), where the program had previously resided.

The committee is aware, however, that the Department of the Air Force and the Office of the Secretary of Defense have instituted a process that will purportedly bring the Department of Defense into compliance with section 216 (Public Law 104-106). Based on assurances to this effect, the committee has decided to condition the transfer of the SMTS program. If, within 30 days after enactment of this Act, the Secretary of Defense certifies to Congress that the requirements of section 216 (Public Law 104-106) have been carried out, then the requirement to transfer SMTS to BMDO shall cease to be effective.

The committee notes that the Air Force has informed the committee that the program baseline required by section 216 (Public Law 104-106) is achievable at a reasonable level of risk. The committee has been in regular contact with the Air Force to review in detail draft schedules for the new program baseline. The committee also notes that its desire to foster greater competition in the SMTS program has been endorsed by the Office of the Secretary of Defense and the Air Force. The committee has been informed by senior Department of Defense officials that the Department's

SPACE-BASED INFRARED SYSTEM PROGRAM (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

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of performing portions of the missile warning, missile defense, technical intelligence, and battlespace characterization missions, and the assumed lifetime of these satellites. The report shall be submitted not later than October 30, 1996.

Finally, the committee understands that the Joint Requirements Oversight Council is reviewing the appropriate level of system survivability and nuclear hardness for the elements of the SBIRS program. The committee believes that adequate nuclear hardness should be a design feature of the SBIRS program, given the critical importance of assured tactical warning/ attack assessment for national decision making. The committee directs the Secretary of Defense to inform the committee promptly of the Department's plan for providing a sufficient amount of nuclear hardness for the SBIRS program. The Secretary is strongly urged to consult closely with the Commander-in-Chief, U.S. Space Command and the Commander-in-Chief, U.S. Strategic Command before rendering a decision on this matter.

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Section 219--Space-Based Infrared System Program

This section would authorize funds for the Space-Based Infrared System (SBIRS) program, prohibit the obligation or expenditure of funds until the Secretary of Defense issues a certification to Congress, and direct the Secretary to consider the appropriate management responsibilities for the Space and Missile Tracking System program.

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decision to recommend rescission of \$51.0 million of the fiscal year 1996 SMTS appropriation was a mistake based on incomplete information, and that the Department is eager to obligate such funds for the purpose for which they were originally authorized and appropriated. Finally, the committee notes that both the Air Force and the Office of the Secretary of Defense unofficially recommended an increase of \$134.0 million in fiscal year 1997 to enhance competition in the SMTS program and to preserve the option of accelerating the SMTS schedule, consistent with section 216 (Public Law 104- 106).

The committee recommends sufficient funding in fiscal year 1997 for the overall SBIRS program to implement the program baseline established in section 216(a) of P.L. 104-106. Since the budget request is deficient for both the space segment high and the space segment low (SMTS), the committee recommends an increase of \$134.0 million in PE 63441F to support SMTS acceleration, and an increase of \$19.1 million in PE 64441F to restore SBIRS high to the baseline program previously approved by the committee and to preclude a slip in fielding one or both of the overseas relay ground stations supporting the 1999 Defense Support Program consolidation.

SPACE-BASED INFRARED SYSTEM PROGRAM (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u> <u>Page 34</u></p> <p><i>SEC. 212. SPACE-BASED INFRARED SYSTEM PROGRAM.</i></p> <p><i>(a) Funding.--Funds appropriated pursuant to the authorization of appropriations in section 201(3) are authorized to be made available for the Space-Based Infrared System program for purposes and in amounts as follows:</i></p> <p><i>(1) For Space Segment High, \$173,290,000.</i></p> <p><i>(2) For Space Segment Low (the Space and Missile Tracking System), \$247,221,000.</i></p> <p><i>(3) For Cobra Brass, \$6,930,000.</i></p> <p><i>(b) Limitation.--Not more than \$100,000,000 of the funds authorized to be made available under subsection (a)(1) may be obligated or expended until the Secretary of Defense certifies to Congress that the Secretary has made available the funds authorized to be made available under subsection (a)(2) for the purpose of accelerating the deployment of the Space Segment Low (the Space and Missile Tracking System).</i></p> <p><i>(c) Program Management.--Before the submission of the President's budget for fiscal year 1998, the Secretary of Defense shall conduct a review of the appropriate management responsibilities for the Space and Missile Tracking System, including whether transferring such management responsibility from the Air Force to the Ballistic Missile Defense Organization would result in improved program efficiencies and support.</i></p>	<p><u>Report Language</u> <u>Page 669</u></p> <p>Space-Based Infrared System program (sec. 212)</p> <p>The House bill contained a provision (sec. 219) that would authorize funds for the Space-Based Infrared System (SBIRS) program, prohibit the obligation of expenditure of funds until the Secretary of Defense issues a certification to Congress, and direct the Secretary to consider the appropriate management responsibilities for the Space and Missile Tracking System (SMTS) program.</p> <p>The Senate amendment contained a similar provisions (sec. 213). The Senate recedes with an amendment that would authorize \$427.4 million for the SBIRS program (\$173.3 million for SBIRS Space Segment High, \$247.2 million for SMTS, and \$6.9 million for Cobra Brass), prohibit the obligation or expenditure of more than \$100.0 million for SBIRS Space Segment High until the Secretary of Defense issues a certification to Congress, and direct the Secretary to consider the appropriate management responsibilities for the SMTS program.</p> <p>The conferees are disappointed by the Department of Defense's management of the SMTS program. The Department has yet to present the revised SMTS program baseline as required by section 216 of the National Defense Authorization Act for Fiscal Year 1996. Additionally, poor management practices on the part of the Air Force, the Office of the Secretary of Defense, and the contractor have forced delays in the SMTS program. The conferees are particularly disappointed by the Department of Defense's decision to recommend for rescission \$51.0 million for fiscal year 1996 funds authorized and appropriated for SMTS acceleration and competition. Shortly after recommended these funds for rescission, the Department endorsed a plan for enhanced competition. The Department's handling of the fiscal year 1996 SMTS funding and its on-again, off-again approach to competition is not acceptable. The conferees direct the Secretary of Defense to promptly complete the program baseline specified in section 216 of the National Defense Authorization Act for Fiscal Year 1996, and to promptly release the additional funds authorized for SMTS for fiscal year 1997 for purposes of accelerating the program.</p>

SPACE-BASED INFRARED SYSTEM PROGRAM (CONT)	
House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u> <u>Page 176</u></p> <p>SPACE BASED INFRARED ARCHITECTURE--DEM/VAL</p> <p>The Air Force budgeted \$120,151,000 for the space based infrared system (SBIRS). The Committee recommends \$249,151,000, an increase of \$129,000,000. Within this amount, the Committee has provided an additional \$134,000,000 only for the acceleration of the space missile and tracking system (SMTS). The Committee also recommends a reduction of \$5,000,000 due to unwarranted program support cost growth on the SBIRS program.</p>	<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

SPACE-BASED INFRARED SYSTEM PROGRAM (CONT)	
FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)	FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)
<u>Statutory Language</u> No statutory language exists.	<u>Report Language</u> No statutory language exists.

ISRAELI PROGRAMS

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

Bill Language

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SEC. 221. JOINT UNITED STATES-ISRAELI NAUTILUS LASER/THEATER HIGH ENERGY LASER PROGRAM.

The Congress strongly supports the Joint United States-Israeli Nautilus Laser/Theater High Energy Laser programs and encourages the Secretary of Defense to request authorization to develop these programs as agreed to on April 28, 1996, in the statement of intent signed by the Secretary of Defense and the Prime Minister of the State of Israel.

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Bill Language

No Senate language exists.

ISRAELI PROGRAMS (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

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Arrow

The committee continues to strongly support the U.S.-Israeli Arrow program. The committee recommends full funding of the Arrow and other U.S.-Israeli cooperative missile defense projects contained in the budget request. The committee notes, however, that \$27.0 million in fiscal year 1996 and prior year funding for the U.S. portion of the Arrow Deployability Project remains unobligated as a result of the lack of a Presidential certification that a memorandum of agreement exists with Israel for the project, that the project provides benefits to the United States, that the Arrow missile has completed a successful intercept, and that the Government of Israel is adhering to export controls pursuant to the Missile Technology Control Regime.

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Section 221--Authorization for Joint United States-Israeli Nautilus Laser/Theater High Energy Laser Program

This section would state that the Congress strongly supports the Joint U.S.-Israeli Nautilus Laser/Theater High Energy Laser programs and encourages the Secretary of Defense to request authorization to develop these programs as agreed to April 28, 1996, in the statement of intent signed by the Secretary of Defense and the Prime Minister of the State of Israel.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

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Nautilus/Tactical High Energy Laser Program

The committee continues to support the joint Army-Israeli Ministry of Defense Nautilus testing program to assess the potential of high energy lasers to meet tactical threats. The highlight of the test series was the intercept in February of an operational short range rocket. This success has paved the way for a Tactical High Energy Laser (THEL) Rapid Acquisition Demonstrator Program. The Army has identified this program as a potential shortfall in the fiscal year 1997 budget request. The committee, therefore, recommends an increase of \$50.0 million to a new program element to support the Nautilus/Tactical High Energy Laser Program and the associated design verification testing. The committee understands that the government of Israel is prepared to devote significant resources to this effort and the committee urges the administration to seek a rapid conclusion of a memorandum of agreement (MOA) on the THEL program with Israel. The committee fully expects that additional funding to implement such an MOA will be included in future Army budget requests.

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United States-Israel Boost Phase Intercept Program

In the Statement of Managers accompanying the National Defense Authorization Act for Fiscal year 1996, the conferees endorsed a cooperative program between the United States and Israel to develop a kinetic energy boost-phase intercept program based on an unmanned aerial vehicle (UAV). The committee maintains its strong support for this concept. The budget request included \$9.3 million in the Joint TMD

ISRAELI PROGRAMS (CONT)

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

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program element (PE 63872C) to continue this effort. The committee recommends that these funds be transferred to the BPI program element (PE 63870C) and that this amount be increased by \$15.0 million for a total authorization of \$24.3 million

The committee believes that the first step of this U.S.-Israel BPI program should be a joint technology risk mitigation effort, aimed at reducing technological uncertainties and developing, to the extent possible, a common set of user requirements. If this proves successful, it can be followed by an advanced technology demonstration to validate the technical feasibility of the concept and the major system elements. This would enable the United States and Israel to evaluate the potential for a joint acquisition program or one in which both countries continue to collaborate on separate but mutually reinforcing efforts.

ISRAELI PROGRAMS (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u></p> <p>No language exists.</p>	<p><u>Report Language</u> <u>Page 683</u></p> <p>Joint United States-Israeli Nautilus Laser/Theater High Energy Laser program</p> <p>The House bill contained a sense of Congress provision (sec. 221) that would strongly support the Joint U.S.-Israeli Nautilus Laser/Theater High Energy Laser program and encourage the Secretary of Defense to request authorization to develop these programs as agreed to April 28, 1996, in the statement of intent signed by the Secretary of Defense and the Prime Minister of the State of Israel.</p> <p>The Senate amendment contained no similar provision.</p> <p>The House recesses.</p> <p>The conferees agree to authorize an additional \$50.0 million for a new program element to support the Nautilus/Theater High Energy Laser program and the associated design verification testing. The conferees understand that the government of Israel is prepared to devote significant resources to this effort and the committee urges the administration to seek a rapid conclusion of a memorandum of agreement (MOA) on the THEL program with Israel. The conferees fully expect that additional funding to implement such an MOA will be included in future Army budget requests.</p>

ISRAELI PROGRAMS (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u></p> <p>No statutory language exists.</p>	<p><u>Report Language</u> <u>Page 659</u></p> <p>UNITED STATES-ISRAEL BOOST PHASE INTERCEPT PROGRAM</p> <p>In the Statement of Managers accompanying the National Defense Authorization Act for Fiscal Year 1996, the conferees endorsed a cooperative program between the United States and Israel to develop a kinetic energy boost-phase intercept program based on an unmanned aerial vehicle (UAV). The conferees maintain their strong support for this concept. The budget request included \$9.3 million in the Joint TMD program element (PE 63872C) to continue this effort. The conferees recommend that these funds be transferred to the BPI program element (PE 63870C) and that this amount be increased by \$15.0 million for a total authorization of \$24.3 million.</p> <p>The conferees believe that the first step of this U.S.-Israel BPI program should be a joint technology risk mitigation effort, aimed at reducing technological uncertainties. If this proves successful, it can be followed by an advanced technology demonstration to validate the technical feasibility of the concept and the major system elements. This would enable the United States and Israel to evaluate the potential for a joint acquisition program or one in which both countries continue to collaborate on separate but mutually reinforcing efforts.</p>

ISRAELI PROGRAMS (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Report Language</u></p> <p>No language exists.</p> <p><u>Report Language</u> <u>Page 9</u></p> <p>Missile defense: The Committee recommends total funding of \$3.5 billion, a net increase of \$705 million, for Ballistic Missile Defense, including an additional \$350 million for national missile defense and \$386 million for theater systems. The Committee has fully funded the budget request for the joint U.S.-Israel ARROW missile defense program, and has added \$55 million for the joint U.S.-Israel "Nautilus" Tactical High-Energy Laser program, which was not budgeted. Also, mindful of the growing threat to U.S. forces posed by both theater ballistic and cruise missiles, the Committee has continued its long-standing emphasis on ship self-defense and "cooperative engagement" (the sharing of tracking and targeting information among many different platforms) and has added \$111 million over the budget for these efforts.</p> <p><u>Page 157</u></p> <p>The Army requested \$2,967,000 for the DoD High Energy Laser Test Facility (HELSTF). The Committee recommends \$91,700,000, an increase of \$88,733,000. Of the additional funds, \$21,733,000 is only for HELSTF; \$55,000,000 is only for THEL/NAUTILUS; and \$12,000,000 is only for high energy solid state laser development.</p>	<p><u>Bill Language</u></p> <p>No language exists.</p>

ISRAELI PROGRAMS (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

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U.S.-ISRAEL BOOST PHASE INTERCEPT PROGRAM

The conferees endorse the joint effort between the United States and Israel to develop a kinetic energy boost phase interception system based on an unmanned aerial vehicle. This technological approach contains great promise for intercepting ballistic missiles over enemy territory and complements other ongoing U.S. and Israeli TMD efforts. It is the expectation of the conferees that, to make greatest use of the investment and technological progress already made by our allies, the U.S.-Israel joint effort will be based upon Israel's boost phase intercept (IBIS) concept.

NATIONAL MISSILE DEFENSE

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

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SEC 232. CERTIFICATION OF CAPABILITY OF UNITED STATES TO DEFEND AGAINST SINGLE BALLISTIC MISSILE.

Not later than 15 days after the date of the enactment of this Act, the President shall submit to Congress a certification in writing stating specifically whether or not the United States has the military capability (as of the time of the certification) to intercept and destroy a single ballistic missile launched at the territory of the United States.

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SEC. 238. CAPABILITY OF NATIONAL MISSILE DEFENSE SYSTEM.

The Secretary of Defense shall ensure that any National Missile Defense system deployed by the United States is capable of defeating the threat posed by the Taepo Dong II missile of North Korea.

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SEC. 1308. REVIEW BY DIRECTOR OF CENTRAL INTELLIGENCE OF NATIONAL INTELLIGENCE ESTIMATE 95-19

(a) Review.--The Director of Central Intelligence shall conduct a review of the underlying assumptions and conclusions of the National Intelligence Estimate designated as NIE 95-19 and entitled "Emerging Missile Threats to North America During the Next 15 Years", released by the Director in November 1995.

Bill Language

No language exists.

NATIONAL MISSILE DEFENSE (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

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(b) Methodology for Review.--The Director shall carry out the review under subsection (a) through a panel of independent, nongovernmental individuals with appropriate expertise and experience. Such a panel shall be convened by the Director not later than 45 days after the date of the enactment of this Act.

(c) Report.--The Director shall submit the findings resulting from the review under subsection (a), together with any comments of the Director on the review and the findings, to Congress not later than three months after the appointment of the Commission under section 1321.

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Subtitle B--Commission to Assess the Ballistic Missile Threat to the United States

SEC. 1321. ESTABLISHMENT OF COMMISSION.

(a) Establishment.--There is hereby established a commission to be known as the "Commission to Assess the Ballistic Missile Threat to the United States" (hereinafter in this subtitle referred to as the "Commission").

Composition.--The Commission shall be composed of nine members appointed by the Director of Central Intelligence. In selecting individuals for appointment to the Commission, the Director should consult with—

NATIONAL MISSILE DEFENSE (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

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(1) the Speaker of the House of Representatives concerning the appointment of three of the members of the Commission;

(2) the majority leader of the Senate concerning the appointment of three of the members of the Commission; and

(3) minority leader of the House of Representatives and the minority leader of the Senate concerning the appointment of three of the members of the Commission.

(c) Qualifications.--Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the political and military aspects of proliferation of ballistic missiles and the ballistic missile threat to the United States.

(d) Chairman.--The Speaker of the House of Representatives, after consultation with the majority leader of the Senate and the minority leaders of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) Period of Appointment; Vacancies.--Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

NATIONAL MISSILE DEFENSE (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

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(f) Security Clearances.--All members of the Commission shall hold appropriate security clearances.

(g) Initial Organization Requirements.--(1) All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed, but not earlier than October 15, 1996.

SEC. 1322. DUTIES OF COMMISSION.

(a) Review of Ballistic Missile Threat.--The Commission shall assess the nature and magnitude of the existing and emerging ballistic missile threat to the United States.

(b) Cooperation from Government Officials.--In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of Central Intelligence, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

NATIONAL MISSILE DEFENSE (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

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SEC. 1323. REPORT.

The Commission shall, not later than six months after the date of its first meeting, submit to the Congress a report on its findings and conclusions.

SEC. 1324. POWERS.

(a) Hearings.--The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) Information.--The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle.

SEC. 1325. COMMISSION PROCEDURES.

(a) Meetings.--The Commission shall meet at the call of the Chairman.

(b) Quorum.--(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

NATIONAL MISSILE DEFENSE (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

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(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) Commission.--The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) Authority of Individuals To Act for Commission.--Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

SEC. 1326. PERSONNEL MATTERS.

(a) Pay of Members.--Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) Travel Expenses.--The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

NATIONAL MISSILE DEFENSE (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

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(c) Staff.--(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) Detail of Government Employees.--Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) Procurement of Temporary and Intermittent Services.--The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

NATIONAL MISSILE DEFENSE (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

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SEC. 1327. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) Postal and Printing Services.--The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) Miscellaneous Administrative and Support Services.--The Director of Central Intelligence shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 1328. FUNDING.

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 1997. Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 1329. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report.

NATIONAL MISSILE DEFENSE (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

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BALLISTIC MISSILE DEFENSE

The most glaring shortfall in the Administration's modernization program results from its antipathy to effective ballistic missile defenses. In light of the increasing proliferation of weapons of mass destruction and the missiles to deliver them over great distances, the lack of urgency in the Administration's missile defense program is startling. Congressional attempts to instill purpose, direction and focus in the Administration's moribund missile defense efforts were stymied last year by the President's veto of HR 1530, the National Defense Authorization Act for Fiscal Year 1996.

For the strategic reasons highlighted at the outset of this introductory section, the committee strongly believes that deployment of a national missile defense should be of the highest priority. Protection of the American homeland must be the first object of any national defense policy, as well as the cornerstone of any broader security strategy. The Administration's failure to aggressively pursue a national missile defense program that will field a viable, cost-effective missile defense system to discourage the development of ballistic missile threats or to defeat them is a grave concern. Consequently, the committee has added substantial funding to the Administration's underfunded request for ballistic missile defense programs, including national missile defense.

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National Missile Defense

The budget request included \$508.4 million for National Missile Defense (NMD) to support the administration's so-called deployment readiness program known as "3+3". Based on information received from the Department of Defense, the committee does not believe that the administration's proposed budget and program plan for NMD are adequate even to meet the stated purpose of its "deployment readiness" program. As acknowledged by the Director of BMDO in congressional testimony, the planned test program for the exoatmospheric kill vehicle (EKV) is inadequate to support a deployment decision within the framework of the "3+3" program. The administration's proposed NMD program consists of just five EKV flights: two in fiscal year 1997; two in fiscal year 1998; and one in fiscal year 1999. Under this plan, an NMD deployment decision supposedly could be made at the end of fiscal year 1999; however, such a decision would be based on a single integrated interceptor test. Furthermore, the test booster would not represent an operational configuration.

To support a lower risk and more robust NMD program, the committee believes that additional EKV flight tests are required. Specifically, the committee directs the Secretary of Defense to restructure the EKV program to support two flight tests in fiscal year 1997, three in fiscal year 1998, and four in fiscal year 1999. This requires the acquisition of additional kill vehicle and test booster hardware. Additionally, the committee directs the Secretary to upgrade the Payload Launch Vehicle (PLV) system to provide a more representative velocity regime and test environment for NMD system tests. To accomplish these objectives, and to ensure that other aspects of the NMD program are able to support an initial operational capability (IOC) in fiscal year 2003 (which the administration's proposal supposedly protects), the committee recommends an increase of \$300.0 million in PE 63871C. The committee recommends the use of \$50.0 million to begin upgrading the PLV and whatever funds are necessary to support the EKV flight profile specified above.

NATIONAL MISSILE DEFENSE (CONT)

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The budget request included \$508.4 million in PE 63871C for National Missile Defense (NMD). The committee recommends an additional \$350.0 million for NMD in an effort to accelerate hardware development, including a new common booster, accelerate and increase the number of exoatmospheric kill vehicle (EKV) flight tests, enhance systems engineering and integration, and accelerate planning and siting activities required for the deployment of an effective NMD system.

The committee commends the Under Secretary of Defense (Acquisition and Technology) for his recent decision to establish an NMD joint-service program office (JPO), and directs the Director, BMDO to ensure full participation by the Army, Navy, and Air Force in the JPO. In addition, the committee directs the Director, BMDO to ensure that the EKV and associated booster designs are compatible with the widest possible range of NMD system architectures and basing modes. The committee directs that the Director, BMDO inform the committee of his plans in this regard not later than September 15, 1996.

The committee notes that the prototype ground-based radar (GBR-P) is an important NMD system element, and that GBR-P is scheduled to begin testing at U.S. Army Kwajalein Atoll (USAKA) in 1998. This schedule must be maintained, or accelerated, in order to realize cost savings associated with leveraging the THAAD radar program and test schedule. Of the amounts authorized in PE 63871C, the committee recommends \$68.0 million for GBR-P in order to ensure that the radar is available for integrated system testing in fiscal year 1998.

NATIONAL MISSILE DEFENSE (CONT)

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The committee recognizes the importance of the Midcourse Space Experiment (MSX) for collecting and analyzing background data of use to future midcourse sensors such as the Space Missile and Tracking System. The committee is concerned, however, that BMDO has failed to budget funds to continue operations through the end of the expected lifetime of the satellite. Therefore, the committee strongly urges the Director, BMDO to provide adequate funds in the fiscal year 1998 budget submission and over the Future Years Defense Plan (FYDP) for MSX satellite operations.

The committee understands the importance of an effective battle management/ command, control, and communications (BM/C3) architecture to overall NMD system performance and reliability. In this regard, the committee is aware of proposals to leverage existing theater missile defense (TMD) BM/C3 capabilities, including such capabilities being developed under the THAAD program, to support an NMD system. The committee therefore urges the Director, BMDO to study these proposals and inform the committee not later than October 15, 1996, of his views in this regard. -

Finally, taking into account the various architectural options for providing a highly-effective defense of the United States against limited missile attacks, the committee directs the commander-in-chief, U.S. Space Command (CINCSpace) to ensure that the NMD concept-of-operations is flexible enough to accommodate and support a wide range of NMD system architectures and basing modes. CINCSpace shall inform the committee of his plans in this regard not later than September 15, 1996.

NATIONAL MISSILE DEFENSE (CONT)

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Section 232--Certification of Capability of United States to Defend Against Single Ballistic Missile

This section would require the President to submit to the Congress a certification stating whether the United States has the military capability to intercept and destroy a single ballistic missile launched at the territory of the United States.

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Section 238--Capability of National Missile Defense System

This section would direct the Secretary of Defense to ensure that any national missile defense system deployed by the United States is capable of defeating the threat posed by the Taepo Dong II missile of North Korea.

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Section 1308—Review by Director of Central Intelligence of National Intelligence Estimate 95-19

This section would direct the Director of Central Intelligence (DCI) to convene a panel of independent, non-government experts to review the underlying assumptions and conclusions of the November, 1995 National Intelligence Estimate (NIE) on "Emerging Missile Threats to North America During the Next 15 Years," NIE 95-19, and to report the panel's findings to Congress, along with the DCI's comments. In light of serious questions that have been raised about the NIE's terms of reference and conclusions, which downplay the prospect of a long-range missile threat to the

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contiguous 48 states within the next 15 years, the committee believes that an objective and independent assessment of the NIE is both necessary and desirable.

The committee notes that the public release by the Administration of the NIE's key findings, which were summarized in a December 1, 1995 CIA letter to the Senate, occurred in the midst of the debate over the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106). The NIE was cited during that debate to bolster the Administration's position that deployment of a national missile defense system was unnecessary because there was no threat in the foreseeable future. The conclusions reached in the NIE and the timing of its insertion into the missile defense debate have given rise to charges that intelligence may have been "politicized." The committee believes it is essential that U.S. policy makers be confident that they are receiving objective analysis from the intelligence community. Any allegation of politicization brings into question the integrity of the intelligence community's work.

The committee notes that independent scholars and former intelligence community officials, including former DCI R. James Woolsey, have questioned the terms of reference and methodology of the NIE. Ambassador Woolsey, President Clinton's first Director of Central Intelligence, testified before the committee on March 14, 1996 that the intelligence community's focus on missile threats to the continental United States (excluding Alaska and Hawaii) "can lead to a badly distorted and minimized perception of the serious threats we face from ballistic missiles now and in the very near future . . ." He further commented that drawing broad conclusions from an assessment "of such limited scope" would be "a serious error." The former DCI observed that "even with the best intelligence in the world it is impossible to forecast fifteen years in advance. . . ."

NATIONAL MISSILE DEFENSE (CONT)

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Criticisms of the NIE center on its core assumptions: (1) that nations will be limited to their indigenous industrial and technological base when developing ICBMs; (2) that countries with the capability to develop ICBMs will not do so in the time frame in question; (3) that ballistic missile threats to Alaska and Hawaii are somehow less consequential than a missile threat to the contiguous 48 states; (4) that nations will not seek to acquire ICBMs that do not provide a militarily significant warfighting potential; and (5) that the risk of unauthorized or accidental missile launch by Russia or China is no greater now than during the Cold War. In the committee's view, an independent review of the NIE must address these assumptions.

In response to criticisms of the NIE, the committee supports an independent assessment of its assumptions, terms of reference, methodology, and conclusions. As part of such an effort, the committee directs the Director of Central Intelligence to ensure, at a minimum, that the panel conducting the assessment:

- (1) Reviews the classified and unclassified reports and other inputs that formed the basis for the NIE;
- (2) Analyzes the terms of reference and methodology used by the intelligence community in the preparation of the NIE and assesses their comprehensiveness;
- (3) Evaluates the conclusions reached in the NIE and reports on areas of agreement and disagreement with the panel's findings;
- (4) Identifies and assesses the reasons for the inclusion of any questionable assumptions and logic that may exist in the NIE;
- (5) Compares the methodology and conclusions of the NIE to that of earlier NIEs that address similar topics; and

NATIONAL MISSILE DEFENSE (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

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(6) Reports on any recommended changes in the current NIE process that would result in improvements to future NIEs.

In a related matter, the committee believes a more comprehensive assessment of the ballistic missile threat to the United States is warranted. To this end, the committee recommends establishment in Section 1321 of a separate "Commission to Assess the Ballistic Missile Threat to the United States."

Subtitle B--Commission To Assess the Ballistic Missile Threat to the United States

Section 1321--Establishment of Commission

The committee believes that the threat posed to the United States from ballistic missiles is real and growing. However, the committee recognizes that much controversy surrounds this issue and the intelligence community's assessment, as reflected in the November, 1995 National Intelligence Estimate on "Emerging Missile Threats to North America During the Next 15 Years." In an effort to receive expert competitive analysis on the ballistic missile threat, this subtitle would establish a commission to be known as the "Commission to Assess the Ballistic Missile Threat to the United States."

The committee believes that, in keeping with past precedent, this commission should ideally have been established as a cooperative and self-initiated endeavor within the executive branch. The intelligence community has in the past supported independent and competitive analysis of its conclusions by outside experts. In particular, the committee recalls the establishment in the 1970s of a "Team B,"

NATIONAL MISSILE DEFENSE (CONT)

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which was granted full access to classified and unclassified information in order to review and critique the intelligence community's judgment and to provide an alternative analysis regarding the strategic goals and objectives of the Soviet Union. The "Team B" exercise was broadly judged to be a successful experiment in competitive analysis.

Unfortunately, the Administration has been reluctant to establish its own "Team B" on the issue of the ballistic missile threat. Since the Administration has not expressed an interest in undertaking a true "Team B" effort on this issue, the committee believes it is necessary to pursue legislating such a review. In establishing a six-month commission to undertake this review, it is the committee's intent that the consultative nature of the appointment process for the commission parallel the process used by the Defense Base Closure and Realignment Commission, and as established in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510). The committee also supports and encourages a similar effort by the intelligence community and directs the Director of Central Intelligence to task the intelligence community to assess the nature and magnitude of the existing and emerging ballistic missile threat to the United States, and to report back to Congress the results of that assessment.

Accordingly, the committee recommends a provision (sec. 1321) that would establish a commission to be known as the "Commission to Assess the Ballistic Missile Threat to the United States." The commission's members will be private citizens with knowledge and expertise in the political and military aspects of proliferation of ballistic missiles and the ballistic missile threat to the United States, and will have access to the resources and information of the intelligence community necessary to carry out their responsibilities.

NATIONAL MISSILE DEFENSE (CONT)

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The commission would consist of nine members appointed by the Director of Central Intelligence. Consistent with the consultative nature of the appointment process used by the Defense Base Closure and Realignment Commission (Public Law 101-510), three members would be chosen in consultation with the Speaker of the House of Representatives, three members would be chosen in consultation with the Majority Leader of the Senate, and three members would be chosen in consultation with the minority leaders of the House and Senate.

This section also describes the procedure for designating a commission chairman and for filling vacancies, and describes the initial organizational requirements of the commission. It specifies that all members of the commission shall hold appropriate security clearances. The committee notes, however, that it is not the intent of this subsection to disqualify from membership former government officials whose clearances have lapsed but which could be reinstituted in a short period of time. The committee expects that in such circumstances, the government shall move to reinstitute the necessary clearances as expeditiously as possible.

Section 1322—Duties of Commission

This section describes the duties of the commission, which shall assess the nature and magnitude of the existing and emerging ballistic missile threat to the United States. It also expresses the committee's view that the commission should receive the full and timely cooperation of any U.S. government official responsible for providing the commission with information necessary to the fulfillment of its responsibilities.

NATIONAL MISSILE DEFENSE (CONT)

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Section 1323--Report

This section would direct the commission to submit to the Congress a report on its findings and conclusions not later than six months after the date of its first meeting. Consistent with intelligence community practice, provision shall be made for the incorporation of dissenting footnotes in the commission's report.

Section 1324--Powers

This section would establish the commission's authority to hold hearings, take testimony, and receive evidence. It would also authorize the commission to secure any information from the intelligence community and other federal agencies as the committee deems necessary to carry out its responsibilities.

Section 1325--Commission Procedures

This section would establish the procedures by which the commission shall conduct its business. It describes the number of members required for a quorum and would authorize the commission to establish panels for the purpose of carrying out the Commission's duties.

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Section 1326--Personnel Matters

This section notes that the members of the commission shall serve in that capacity without pay. It would authorize reimbursement of expenses, including per diem in lieu of subsistence, for travel in the performance of services for the commission. It also would allow the chairman to appoint a staff director, subject to the approval of the commission, and such additional personnel as may be necessary for the commission to perform its duties. This section also would make provision for the pay of the staff director and other personnel. It would allow federal government employees to be detailed to the commission on a non-reimbursable basis and would grant the chairman authority to procure temporary and intermittent services.

Section 1327--Miscellaneous Administrative Provisions

This section would allow the commission to use the United States mails and to obtain printing and binding services in accordance with the procedures used by other federal agencies. It also would direct the Director of Central Intelligence to furnish the commission with administrative and support services, as requested, on a reimbursable basis.

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Section 1328—Funding

This section would require the Secretary of Defense to provide such sums as may be necessary for the activities of the commission in fiscal year 1997. These funds should be made available from the national foreign intelligence program.

Section 1329--Termination of the Commission

This section would terminate the commission 60 days after the date of the submission of its report.

NATIONAL MISSILE DEFENSE (CONT)	
	Senate FY97 DOD Authorization SENATE FLOOR AMENDMENT (6/28/96)
	<p><u>HEFLIN/SHELBY AMENDMENT</u></p> <p>At the end of subtitle A of title IX add the following:</p> <p>SEC. 907. ACTIONS TO LIMIT ADVERSE EFFECTS OF ESTABLISHMENT OF NATIONAL MISSILE DEFENSE JOINT PROGRAM OFFICE ON PRIVATE SECTOR EMPLOYMENT.</p> <p>The Director of the Ballistic Missile Defense Organization shall take such actions as are necessary in connection with the establishment of the National Missile Defense Joint Program Office to ensure that the establishment and execution of the new management structure will not include any planned reductions in Federal Government employees, or Federal Government contractors, supporting the national missile defense development program at any particular location outside the National Capitol Region (as defined in section 2674(f)(2) of Title 10, United States Code).</p>

NATIONAL MISSILE DEFENSE (CONT)	
	Senate FY97 DOD Authorization SENATE FLOOR AMENDMENT (6/25/96)
	<p><u>CONRAD AMENDMENT</u></p> <p>At the end of Subtitle C of Title II, insert the following:</p> <p>SEC. . AIR FORCE NATIONAL MISSILE DEFENSE PLAN.</p> <p>(a) Sense of the Senate.--It is the sense of the Senate that--</p> <p>(1) the Air Force proposal for a Minuteman based national missile defense system is an important national missile defense option and is worthy of serious consideration; and</p> <p>(2) the Secretary of Defense should give the Air Force national missile defense proposal full consideration.</p> <p>(b) Report.--Not later than 120 days after the enactment of this act, the Secretary of Defense shall provide the Congressional Defense Committees a report on the following matters in relation to the Air Force National Missile Defense Proposal:</p> <p>(1) The cost and operational effectiveness of a system that could be developed pursuant to the Air Forces' plan.</p> <p>(2) The Arms Control implications of such system.</p> <p>(3) Growth potential to meet future threats.</p> <p>(4) The Secretary's recommendation for improvements to the Air Force's plan.</p>

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SEC. 242. CERTIFICATION OF CAPABILITY OF UNITED STATES TO DEFEND AGAINST SINGLE BALLISTIC MISSILE.

Not later than 15 days after the date of the enactment of this Act, the President shall submit to Congress a certification in writing stating specifically whether or not the United States has the military capability (as of the time of the certification) to intercept and destroy a single ballistic missile launched at the territory of the United States.

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Certification of capability of United States to defend against single ballistic missile (sec. 242)

The House bill contained a provision (sec. 232) that would require the President to submit to the Congress a certification stating whether the United States has the military capability to intercept and destroy a single ballistic missile launched at the territory of the United States.

The Senate amendment contained no similar provision.

The Senate recesses.

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<p><u>Statutory Language</u> <u>Page 45</u></p> <p><i>SEC. 245. REPORT ON AIR FORCE NATIONAL MISSILE DEFENSE PLAN.</i></p> <p><i>Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the following matters regarding the National Missile Defense Plan of the Air Force:</i></p> <ul style="list-style-type: none"> <i>(1) The cost and operational effectiveness of a system that could be developed pursuant to that plan.</i> <i>(2) The arms control implications of such a system.</i> <i>(3) The growth potential of such a system to meet future threats.</i> <i>(4) The recommendations of the Secretary for improvements to that plan.</i> <p><i>SEC. 246. CAPABILITY OF NATIONAL MISSILE DEFENSE SYSTEM.</i></p> <p><i>The Secretary of Defense shall ensure that any National Missile Defense system deployed by the United States is capable of defeating the threat posed by the Taepo Dong II missile of North Korea.</i></p> <p><i>SEC. 247. ACTIONS TO LIMIT ADVERSE EFFECTS ON PRIVATE SECTOR EMPLOYMENT OF ESTABLISHMENT OF NATIONAL MISSILE DEFENSE JOINT PROGRAM OFFICE.</i></p> <p><i>The Secretary of Defense shall take such actions as are necessary in connection with the establishment of the National Missile Defense Joint Program Office within the Ballistic Missile Defense Organization to ensure that the establishment of that office does not make it necessary for a Federal Government contractor to reduce significantly the number of persons employed by that contractor for supporting the national missile defense development program at any particular location outside the National Capital Region (as defined in section 2674(f)(2) of title 10, United States Code).</i></p>	<p><u>Report Language</u> <u>Page 679</u></p> <p>Report on Air Force National Missile Defense Plan (sec. 245)</p> <p>The Senate amendment contained a provision (sec. 238) that expressed the sense of the Senate that the Air Force National Missile Defense (NMD) plan is an important NMD option and is worthy of serious consideration. The provision would also require the Secretary of Defense to submit to Congress a report on the Air Force NMD plan not later than 120 days after enactment of this Act.</p> <p>The House bill contained no similar provision.</p> <p>The House recedes with an amendment that would omit the sense of the Senate language and require the report specified in the Senate provision.</p> <p>Capability of National Missile Defense system (sec. 246)</p> <p>The House bill contained a provision (sec. 238) that would direct the Secretary of Defense to ensure that any national missile defense system deployed by the United States is capable of defeating the threat posed by the Taepo Dong II missile of North Korea.</p> <p>The Senate amendment contained no similar provision.</p> <p>The Senate recedes.</p> <p>Actions to limit adverse effects on private sector employment of establishment of National Missile Defense Joint Program Office (sec. 247)</p> <p>The Senate amendment contained a provision (sec. 908) that would require the Director of the Ballistic Missile Defense Organization to take such actions as are necessary in connection with the establishment of the National Missile Defense (NMD) Joint Program Office to ensure that establishment of that office does not make</p>

NATIONAL MISSILE DEFENSE (CONT)

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<p><u>Statutory Language</u> <u>Page 300-303</u></p> <p><i>SEC. 1311. REVIEW BY DIRECTOR OF CENTRAL INTELLIGENCE OF NATIONAL INTELLIGENCE ESTIMATE 95-19.</i></p> <p><i>(a) Review.--The Director of Central Intelligence shall conduct a review of the underlying assumptions and conclusions of the National Intelligence Estimate designated as NIE 95-19 and entitled "Emerging Missile Threats to North America During the Next 15 Years", released by the Director in November 1995.</i></p> <p><i>(b) Methodology for Review.--The Director shall carry out the review under subsection (a) through a panel of independent, nongovernmental individuals with appropriate expertise and experience. Such a panel shall be convened by the Director not later than 45 days after the date of the enactment of this Act.</i></p> <p><i>(c) Report.--The Director shall submit the findings resulting from the review under subsection (a), together with any comments of the Director on the review and the findings, to Congress not later than three months after the appointment of the Commission under section 1321.</i></p> <p><i>Subtitle B--Commission To Assess the Ballistic Missile Threat to the United States</i></p> <p><i>SEC. 1321. ESTABLISHMENT OF COMMISSION.</i></p> <p><i>(a) Establishment.--There is hereby established a commission to be known as the "Commission to Assess the Ballistic Missile Threat to the United States" (hereinafter in this subtitle referred to as the "Commission").</i></p> <p><i>(b) Composition.--The Commission shall be composed of nine members appointed by the Director of Central Intelligence. In selecting individuals for appointment to the Commission, the Director should consult with--</i></p> <p><i>(1) the Speaker of the House of Representatives concerning the appointment of three of the members of the Commission;</i></p>	<p><u>Report Language</u> <u>Page 679</u></p> <p>it necessary for a Federal Government contractor to reduce the number of persons employed by the contractor for supporting the NMD program at any particular location outside the National Capitol Region.</p> <p>The House bill contained no similar provision.</p> <p>The House recedes with an amendment that would require the Director of the Ballistic Missile Defense Organization to take such actions as are necessary in connection with the establishment of the NMD Joint Program Office to ensure that establishment of that office does not make it necessary for a Federal Government contractor to significantly reduce the number of persons employed by the contractor for supporting the NMD program at any particular location outside the National Capitol Region.</p> <p><u>Page 659-660</u></p> <p>NATIONAL MISSILE DEFENSE</p> <p>The budget request included \$508.4 million for National Missile Defense (NMD). Based on information received from the Department of Defense, the conferees do not believe that the administration's proposed budget and program plan for NMD are adequate even to meet the stated purpose of its "deployment readiness" program. As acknowledged by the Director of BMDO in congressional testimony, the planned test program for the exoatmospheric kill vehicle (EKV) is inadequate to support a deployment decision within the framework of the "3+3" program. The administration's proposed NMD program consists of just five EKV flights: two in</p>

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(2) the majority leader of the Senate concerning the appointment of three of the members of the Commission; and

(3) the minority leader of the House of Representatives and the minority leader of the Senate concerning the appointment of three of the members of the commission.

(c) Qualifications.--Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the political and military aspects of proliferation of ballistic missiles and the ballistic missile threat to the United States.

(d) Chairman.--The Speaker of the House of Representatives, after consultation with the majority leader of the Senate and the minority leaders of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) Period of Appointment; Vacancies.--Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) Security Clearances.--All members of the Commission shall hold appropriate security clearances.

(g) Initial Organization Requirements.--(1) All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed, but not earlier than October 15, 1996.

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fiscal year 1997; two in fiscal year 1998; and one in fiscal year 1999. Under this plan, the NMD deployment decision supposedly could be made at the end of fiscal year 1999; however, such a decision would be based on a single integrated interceptor tests. Furthermore, the test booster would not represent an operational configuration.

To support a lower risk and more robust NMD program, the conferees believe that additional EKV flight tests are required. Specifically, the conferees direct the Secretary of Defense to restructure the EKV program to support two flight tests in fiscal year 1997, three in fiscal year 1998, and four in fiscal year 1999. This requires the acquisition of additional kill vehicle and test booster hardware. Additionally, the conferees direct the Secretary to evaluate the advantages of upgrading the Payload Launch Vehicle (PLV) system to provide a more representative velocity regime and test environment for NMD system tests. To accomplish these objectives, and to ensure that other aspects of the NMD program are able to support an initial operational capacity (IOC) in fiscal year 2003 (which the administration's proposal supposedly protects), the conferees recommend an increase of \$350.0 million in PE 63871C. The conferees commend the Under Secretary of Defense (Acquisition and Technology) for his recent decision to establish an NMD joint-service program office (JPO), and direct the Director of BMDO to ensure full participation by the Army, Navy, and Air Force in the JPO. In addition, the committee directs the Director of BMDO to ensure that the EKV and associated booster designs are compatible with the widest possible range of NMD system architectures and basing modes. The conferees direct that the Director of BMDO inform the Senate Committee on Armed Services and the House Committee on National Security of his plans in this regard not later than February 15, 1997.

NATIONAL MISSILE DEFENSE (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u> <u>Page 300-303</u></p> <p><i>SEC. 1322. DUTIES OF COMMISSION.</i></p> <p><i>(a) Review of Ballistic Missile Threat.--The Commission shall assess the nature and magnitude of the existing and emerging ballistic missile threat to the United States.</i></p> <p><i>(b) Cooperation From Government Officials.--In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of Central Intelligence, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.</i></p> <p><i>SEC. 1323. REPORT.</i></p> <p><i>The Commission shall, not later than six months after the date of its first meeting, submit to the Congress a report on its findings and conclusions.</i></p> <p><i>SEC. 1324. POWERS.</i></p> <p><i>(a) Hearings.--The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.</i></p> <p><i>(b) Information.--The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle.</i></p>	<p><u>Report Language</u> <u>Page 659-660</u></p> <p>The conferees note that the prototype ground-based radar (GDR-P) is an important NMD system element, and the GBR-P is scheduled to begin testing at U.S. Army Kwajalein Atoll (USAKA) in 1998. This schedule must be maintained, or accelerated, in order to realize cost savings associated with leveraging the THAAD radar program and test schedule. Of the amounts authorized in PE 63871C, the conferees recommend \$68.0 million for GBR-P in order to ensure that the radar is available for integrated system testing in fiscal year 1998.</p> <p>The conferees recognize the importance of the Midcourse Space Experiment (MSX) for collecting and analyzing background data of use to future midcourse sensors such as the Space Missile and Tracking System. The conferees are concerned, however, that BMDO has failed to budget funds to continue operations through the end of the expected lifetime of the satellite. Therefore, the conferees strongly urge the Director, BMDO to provide adequate funds in the fiscal year 1998 budget submission and over the Future Years Defense Plan (FYDP) for MSX satellite operations. The conferees understand the importance of an effective battle management/command, control, and communications (BM/C3) architecture to overall NMD system performance and reliability. In this regard, the conferees are aware of proposals to leverage existing TMD BM/C3 capabilities, including such capabilities being developed under the THAAD program, to support an NMD system. The committee therefore urges the Director, BMDO to study these proposals and inform the committee not later than February 15, 1997, of his views in this regard.</p>

NATIONAL MISSILE DEFENSE (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u> <u>Page 300-303</u></p> <p><i>SEC. 1325. COMMISSION PROCEDURES.</i></p> <p>(a) <i>Meetings.--The Commission shall meet at the call of the Chairman.</i></p> <p>(b) <i>Quorum.--(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.</i></p> <p>(2) <i>The Commission shall act by resolution agreed to by a majority of the members of the Commission.</i></p> <p>(c) <i>Commission.--The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.</i></p> <p>(d) <i>Authority of Individuals To Act for Commission.--Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.</i></p> <p><i>SEC. 1326. PERSONNEL MATTERS.</i></p> <p>(a) <i>Pay of Members.--Members of the Commission shall serve without pay by reason of their work on the Commission.</i></p> <p>(b) <i>Travel Expenses.--The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.</i></p> <p>(c) <i>Staff.--(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive</i></p>	<p><u>Report Language</u> <u>Page 815</u></p> <p>Review by Director of Central Intelligence of National Intelligence Estimate 95-19 (sec. 1311)</p> <p>The House bill contained a provision (sec. 1308) that would direct the Director of Central Intelligence (DCI) to review the underlying assumptions and conclusions of the November, 1995, National Intelligence Estimate on "Emerging Missile Threats to North America During the Next 15 Years," to convene a panel of independent, non-governmental experts, and to report the panel's findings to Congress, along with the DCI's comments.</p> <p>The Senate amendment contained no similar provision.</p> <p>The Senate recesses</p> <p>Commission to assess the ballistic missile threat to the United States (secs. 1321-1329)</p> <p>The House bill contained provisions (secs. 1321-1329) that would establish a commission to be known as the "Commission to Assess the Ballistic Missile Threat to the United States." The commission's members would be private citizens with knowledge and expertise in the political and military aspects of proliferation of ballistic missiles and the ballistic missile threat to the United States, and would have access to the resources and information of the intelligence community necessary to carry out their responsibilities. The commission would consist of nine members appointed by the Director of Central Intelligence. Consistent with the consultative nature of the appointment process used by the Defense Base Closure and Realignment Commission (Public Law 101-510), three members would be chosen in consultation with the Speaker of the House of Representatives, three members would be chosen in consultation with the Majority Leader of the Senate, and three members would be chosen in consultation with the minority leaders of the House and Senate.</p> <p>The Senate amendment contained no similar provision.</p> <p>The Senate recesses.</p>

NATIONAL MISSILE DEFENSE (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

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service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) Detail of Government Employees.--Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) Procurement of Temporary and Intermittent Services.--The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 1327. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) Postal and Printing Services.--The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

NATIONAL MISSILE DEFENSE (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

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H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

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(b) Miscellaneous Administrative and Support Services.--The Director of Central Intelligence shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 1328. FUNDING.

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 1997. Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 1329. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report under section 1323.

NATIONAL MISSILE DEFENSE (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)

Bill Language

No language exists.

Report Language

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BALLISTIC MISSILE THREAT COMMISSION

The Committee supports the initiative taken by the House National Security Committee to establish a Commission to Assess the Ballistic Missile Threat to the United States. Accordingly, the Committee recommends that the Department of Defense fund the establishment of this Commission from funds provided in this account.

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NATIONAL MISSILE DEFENSE

The Department requested \$508,437,000 for National Missile Defense. The Committee recommends \$858,437,000, an increase of \$350,000,000, as approved by the House in the recently-passed Defense Authorization bill. The Department's budget request does not provide sufficient funding to deploy a limited National Missile Defense (NMD) capability. The Committee believes that a NMD capability, sufficient to defend against a limited ballistic missile attack, should be developed and deployed by 2003.

Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)

Bill Language

No Senate bill language exists.

Report Language

No language exists.

NATIONAL MISSILE DEFENSE (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

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Sec. 8132. The Secretary of Defense shall complete a cost/benefit analysis on the establishment of a National Missile Defense Joint Program Office: Provided, That the Secretary of Defense shall submit a report on this analysis to the congressional defense committees not later than March 31, 1997: Provided further, That the Department of Defense shall take no action to establish any National Missile Defense Joint Program Office, to reassign service National Missile Defense roles and missions under any National Missile Defense Joint Program Office strategy or to relocate people under such a strategy prior to March 31, 1997.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

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NATIONAL MISSILE DEFENSE

The conferees direct the Ballistic Missile Defense Organization to provide \$23,000,000 for the Air Force National Missile Defense (NMD) initiative. The conferees express their support for development and test activities which allow the Defense Department to fully explore the Air Force concept, to include utilizing the test facilities which provide a realistic and representative test scenario. The conferees direct that the Secretary of Defense shall concurrently inform the congressional defense committees on the report required under section 245 of the National Defense Authorization Act for Fiscal Year 1997.

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The conferees included a new general provision (Section 8132) that requires the Secretary of Defense to submit a report on the establishment of the National Missile Defense Joint Program Office.

ABM TREATY

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Bill Language Page 50-52

SEC. 233. POLICY ON COMPLIANCE WITH THE ABM TREATY.

(a) Policy Concerning Systems Subject to ABM Treaty.--Congress finds that, unless and until a missile defense system, system upgrade, or system component is flight tested in an ABM-qualifying flight test (as defined in subsection (c)), such system, system upgrade, or system component--

(1) has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles; and

(2) therefore is not subject to any application, limitation, or obligation under the ABM Treaty.

(b) Prohibitions.--(1) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of--

(A) prescribing, enforcing, or implementing any Executive order, regulation, or policy that would apply the ABM Treaty (or any limitation or obligation under such Treaty) to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component; or

(B) taking any other action to provide for the ABM Treaty (or any limitation or obligation under such Treaty) to be applied to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language Page 45-49

SEC. 231. UNITED STATES COMPLIANCE POLICY REGARDING DEVELOPMENT, TESTING, AND DEPLOYMENT OF THEATER MISSILE DEFENSE SYSTEMS.

(a) Findings.--Congress makes the following findings:

(1) Pursuant to article VI(a) of the ABM Treaty, the United States is bound by the following obligations:

(A) Not to give missiles, launchers, or radars (other than antiballistic missile interceptor missiles, launchers, or radars) capabilities to counter strategic ballistic missiles or elements of strategic ballistic missiles in the flight trajectory.

(B) Not to test missiles, launchers, or radars (other than antiballistic missile interceptor missiles, launchers, or radars) in an antiballistic missile mode.

(2) It is a sovereign right and obligation of the parties to the ABM Treaty, on a unilateral basis, to establish compliance standards to implement the obligations specified in article VI(a) of the ABM Treaty.

(3) From October 3, 1972 (the date on which the ABM Treaty entered into force) to the present, the United States has maintained unilateral compliance standards with regard to the obligations specified in Article VI(a) of the ABM Treaty, and those standards have changed over time to accommodate evolving technical, political, and strategic circumstances.

ABM TREATY (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

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(2) This subsection applies with respect to each missile defense system, missile defense system upgrade, or missile defense system component that is capable of countering modern theater ballistic missiles.

(3) This subsection shall cease to apply with respect to a missile defense system, missile defense system upgrade, or missile defense system component when that system, system upgrade, or system component has been flight tested in an ABM-qualifying flight test.

(c) ABM-Qualifying Flight Test Defined.--For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.

SEC. 234. REQUIREMENT THAT MULTILATERALIZATION OF THE ABM TREATY BE DONE ONLY THROUGH TREATY-MAKING POWER.

Any addition of a new signatory party to the ABM Treaty (in addition to the United States and the Russian Federation) constitutes an amendment to the treaty that can only be agreed to by the United States through the treaty-making power of the United States. No funds appropriated or otherwise available for any fiscal year may be obligated or expended for the purpose of implementing or making binding upon the United States the participation of any additional nation as a party to the ABM Treaty unless that nation is made a party to the treaty by an amendment to the Treaty that is made in the same manner as the manner by which a treaty is made.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

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(4) Pursuant to article XIII of the ABM Treaty, the parties established the Standing Consultative Commission in which to "consider questions concerning compliance with the obligations assumed and related situations which may be considered".

(b) Compliance Policy.--It is the policy of the United States that unless a missile defense system, system upgrade, or system component (including one that exploits data from space-based or other external sensors) is flight tested in an ABM-qualifying flight test (as defined in subsection (c)), that system, system upgrade, or system component has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles and, therefore, is not subject to any application, limitation, or obligation under the ABM Treaty.

(c) ABM-Qualifying Flight Test Defined.--For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds--

(1) a range of 3,500 kilometers; or

(2) a velocity of 5 kilometers per second.

SEC. 232. PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

(a) Prohibition on Funding.--Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1997 may not be obligated or expended to

ABM TREATY (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

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SEC. 237. ABM TREATY DEFINED.

For purposes of this subtitle, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

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implement any agreement, or any understanding with respect to interpretation of the ABM Treaty, between the United States and any of the independent states of the former Soviet Union entered into after January 1, 1995, that--

(1) would establish a demarcation between theater missile defense systems and anti-ballistic missile defense systems for purposes of the ABM Treaty; or

(2) would restrict the performance, operations, or deployment of United States theater missile defense systems.

(b) Exceptions.--Subsection (a) does not apply--

(1) to the extent otherwise provided in a law that is enacted after the date of the enactment of this Act; or

(2) to expenditures to implement any agreement or understanding described in subsection (a) that is entered into in the exercise of the treaty-making power under the Constitution.

SEC. 233. CONVERSION OF ABM TREATY TO MULTILATERAL TREATY.

Fiscal Year 1997.--During fiscal year 1997, the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty, including any agreement that would add one or more countries as signatories to the treaty or would otherwise convert the treaty from a bilateral treaty to a multilateral treaty, unless the agreement is entered pursuant to the treaty making power of the President under the Constitution.

ABM TREATY (CONT)

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

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Page 45-49

(b) Relationship to Other Law.--This section shall not be construed as superseding section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2701) for any fiscal year other than fiscal year 1997, including any fiscal year after fiscal year 1997.

SEC. 236. ABM TREATY DEFINED.

In this subtitle, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed in Moscow on May 26, 1972, with related protocol, signed in Moscow on July 3, 1974.

ABM TREATY (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

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Section 233—Policy on Compliance With the ABM Treaty

The current dispute between the Congress and the President over theater missile defense (TMD) "demarcation" hinges largely on the issue of whether U.S. obligations under the Anti-Ballistic Missile (ABM) Treaty as a whole and under article VI(a) of the Treaty in particular are sufficiently clear such that the Secretary of Defense, who is charged by the President with the responsibility, can certify in good faith that the TMD systems currently under development by the United States can be tested and deployed in compliance with those obligations. In Article VI(a), each party undertakes not to give non-ABM systems ABM capabilities and not to test non-ABM systems in an ABM mode.

The Secretary of Defense in the previous Administration took the position that the obligations of the parties under article VI(a) of the Treaty were sufficiently well understood that a standard of compliance could be developed unilaterally so as to enable the development and deployment of TMD systems then under development by the United States, including the Theater High-Altitude Area Defense (THAAD) system and Navy Upper Tier. Furthermore, this approach would have allowed full exploitation of data derived from space-based sensors, such as the Space and Missile Tracking System (SMTS), for TMD purposes.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

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Section 231. United States compliance policy regarding development, testing, and deployment of theater missile defense systems.

For the last 24 years, since the ABM Treaty entered into force, the United States has lived with a broad set of legal obligations regarding the development, testing, and deployment of theater missile defense (TMD) systems and other non-anti-ballistic missile (ABM) systems. Under article VI(a) of the ABM Treaty, the United States undertakes "not to give missiles, launchers, or radars, other than ABM interceptor missiles, ABM launchers, or ABM radars, capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode." Pursuant to these obligations, the United States has promulgated a unilateral compliance policy and specific compliance standards by which all non-ABM systems are evaluated for treaty compliance. There has never been any doubt that this unilateral activity is a sovereign right and obligation.

As strategic and technological circumstances have changed, so have U.S. compliance standards. For at least five years, it has been clear that the United States must again update its compliance standards to accommodate new strategic and technological circumstances. On this point there has been very little disagreement, virtually none between Congress and the Executive Branch. There has also been basic agreement on what the new standard should be. The debate has been over the form that this new compliance standard should assume and whether the United States must also assume new obligations under the ABM Treaty regarding TMD systems. The administration has attempted to codify the new compliance standard in what amounts to a new treaty, while Russia has attempted to impose new TMD-related restrictions regarding basic ABM treaty obligations. Both of these approaches depart dramatically from past practice and are legally unnecessary.

ABM TREATY (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

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The current Administration has rejected adopting on a unilateral basis the compliance standard recommended by the Secretary of Defense from the previous Administration. Instead, it chose to revise the standard and then seek Russian agreement to that revised standard in order to permit the development and deployment of U.S. TMD systems such as THAAD and Navy Upper Tier. By choosing to seek Russian concurrence in what should have been a unilateral decision, the Administration has effectively granted Russia a veto over the technical capabilities of U.S. TMD systems. Further, pending the outcome of the negotiations, the Administration has artificially constrained the design and performance of THAAD and Navy Upper Tier, in effect "dumbing down" these systems in order to comply with alleged, perceived obligations under article VI(a) that do not exist.

Therefore, the committee once again endorses the approach to a compliance standard recommended by the Secretary of Defense in the previous Administration, and which was adopted by the 103rd Congress in section 234(a)(7) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) and reaffirmed by the 104th Congress in section 235 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337). The committee recommends a provision (sec. 233) that would codify this standard for assessing compliance of systems with the ABM Treaty, state certain prohibitions, and define an ABM-qualifying flight test. The committee notes that this standard is entirely consistent with U.S. obligations under the Treaty. Finally, the committee finds that continuation of negotiations with the Russians on this subject is both unnecessary and potentially deleterious to U.S. national security interests.

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The committee believes that the United States must unilaterally update its own internal compliance standards, as has been done in the past. This would not entail a new interpretation of the treaty or a change in our basic legal obligations under the treaty. For purposes of article VI(a) the United States simply needs to provide a current definition of a "strategic ballistic missile" and establish criteria for judging whether non-ABM systems have been given capabilities to counter such missiles or have been tested against them. This standard exists today and has existed since the administration officially proposed it at the Standing Consultative Commission in November 1993.

The committee recommends a provision that would codify this so-called "demonstrated capabilities" standard. Such a codification would clarify U.S. compliance policy for the Department of Defense and other interested parties. It would add a large measure of stability to critical U.S. TMD systems, including the Theater High Altitude Area Defense (THAAD) system and the Navy Upper Tier system. Specifically, the new standard would state that until a TMD system is tested against a ballistic missile that exceeds a range of 3,500 kilometers or a velocity of 5 kilometers per second it will not be judged to have been given capabilities to counter a strategic ballistic missile or to have been tested in an ABM mode. In practical terms, this means that the United States would never be able to gain any confidence that its TMD systems possessed operationally relevant ABM capabilities. The compliance policy language recommended by the committee is identical to sense of Congress language contained in section 235 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106), which itself was derived from the administration's own expressed position.

ABM TREATY (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

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Section 234--Requirement That Multilateralization of the ABM Treaty Be Done Only Through Treaty-Making Power

The committee remains deeply concerned by the Administration's proposal to multilateralize the Anti-Ballistic Missile (ABM) Treaty by adding a dozen or more signatories from the states of the former Soviet Union. To date, the Administration has failed to provide a compelling case for why multilateralization is necessary or in the security interests of the United States.

Among the republics of the former Soviet Union, only the Russian Federation has fielded an ABM system or possesses the technological capacity to develop and deploy such a system. The remaining former Soviet republics have no equities in the Treaty. In addition, multilateralizing the Treaty would increase the probability that a single former Soviet republic could block any amendment, modification, or clarification to the Treaty, including agreements that the United States and Russia might find in their interest to adopt. The Administration's proposal to multilateralize the ABM Treaty would grant to Russia and other former Soviet republics a right of veto over any Treaty modifications needed to permit deployment of a highly-effective NMD system.

For these reasons, the committee recommends a provision (sec. 234) that would state that any addition of a new signatory party to the Anti-Ballistic Missile (ABM) Treaty (in addition to the United States and the Russian Federation) constitutes an amendment to the treaty that can only be agreed to by the United States through the treaty-making power of the United States. This section would prohibit the obligation or expenditure of funds for any fiscal year for the purpose of implementing or making binding upon the United States the participation of any additional nation as a party to the ABM Treaty unless that nation is made a party to the treaty by an amendment to the Treaty that is made in the same manner as the manner by which a treaty is made.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

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Section 232. Prohibition on use of funds to implement an international agreement concerning theater missile defense systems.

Section 235 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) prohibited the use of fiscal year 1996 funds by the Department of Defense to implement a so-called theater missile defense (TMD) demarcation agreement unless such agreement was consistent with the so-called "demonstrated capabilities" standard, was approved in a statute, or was approved through the treaty-making powers under the Constitution. This means that any agreement would have to be approved by a majority of both Houses of Congress, by a two-thirds vote in the Senate, or be consistent with a pre-approved standard. Unfortunately, subsequent to enactment of Public Law 104-106, Congress was informed that the "pre-approved" approach would likely be employed even for an agreement, or elements of an agreement, that has been viewed by Congress as beyond the pre-approved definition.

Accordingly, the committee recommends a provision modeled on section 235 (Public Law 104-106) that would prohibit the use of funds appropriated or otherwise made available to the Department of Defense to implement any TMD demarcation agreement unless approved in statute or pursuant to the treaty making power under the Constitution.

Section 233. Conversion of ABM Treaty to multilateral treaty.

The committee is aware that the Executive Branch is engaged in negotiations to change the Anti-Ballistic Missile (ABM) Treaty from a bilateral treaty between the United States and the Soviet Union to a multilateral treaty that includes several of the independent states of the former Soviet Union. The committee believes that such a change would constitute a substantive change requiring Senate advice and consent.

ABM TREATY (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Report Language Page 221-223

Finally, the committee notes that this section is fully consistent with section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337).

Section 237--ABM Treaty Defined

This section would define the Anti-Ballistic Missile (ABM) Treaty for the purposes of this subtitle.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Report Language Page 125-127

Therefore, the committee recommends a provision that would specify that the United States shall not be bound by any international agreement entered into by the President that would add one or more countries as signatories to the ABM Treaty or would otherwise convert the treaty from a bilateral treaty to a multilateral treaty, unless the agreement is entered pursuant to the treaty making power under the Constitution.

ABM TREATY (CONT)

Senate FY97 DOD Authorization SENATE FLOOR AMENDMENT (6/28/96)

THURMOND AMENDMENT

At the end of subtitle C of title II, add the following:

SEC. 237. EXTENSION OF PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

Section 235(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 232) is amended in the matter preceding paragraph (1) by inserting "or 1997" after "fiscal year 1996".

ABM TREATY (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u> <u>Page 45</u></p> <p>SEC. 248. ABM TREATY DEFINED.</p> <p><i>For purposes of this subtitle, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.</i></p>	<p><u>Report Language</u> <u>Page 679</u></p> <p>ABM Treaty defined (sec. 248)</p> <p>The House bill contained a provision (sec. 237) that would define the Anti-Ballistic Missile Treaty.</p> <p>The Senate amendment contained a similar provision.</p> <p>The Senate recedes.</p> <p><u>Page 683-684</u></p> <p>Policy on compliance with the ABM Treaty</p> <p>The House bill contained a provision (sec. 233) that would codify the "demonstrated capabilities" standard for assessing compliance of systems with the Anti-Ballistic Missile (ABM) Treaty, state certain prohibitions, and define an ABM-qualifying flight test as a test against a ballistic missile with a range in excess of 3,500 kilometers and a velocity in excess of five kilometers per second.</p> <p>The Senate amendment contained a provision (sec. 239) that would extend by one year section 235 of the National Defense Authorization Act of Fiscal Year 1996 (Public Law 104-106).</p> <p>The House and the Senate recede from their respective provisions.</p> <p>The conferees note that the President's National Security Advisor has stated that the Theater Missile Defense (TMD) Demarcation agreement, to which the United States has tentatively agreed, would modify the rights and obligations of the parties and, hence, constitute a substantive change to the ABM Treaty. The conferees acknowledge and reaffirm the constitutional principle that any substantive treaty change may be entered into only pursuant to the President's treaty making power under the Constitution. The conferees note that this constitutional principle is specifically codified with regard to the ABM Treaty in section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337).</p>

ABM TREATY (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
	<p><u>Report Language</u> <u>Page 683-686</u></p> <p>The conferees would take strong exception to any interpretation by the administration that section 235 of the National Defense Authorization Act for Fiscal Year 1996 "pre-authorizes" implementation of the TMD Demarcation agreement. For example, because the agreement-in-principle does not apply the "demonstrated capabilities standard" to all TMD systems, it would not satisfy the standard specified in section 235(b)(1). More importantly, section 235 does not supersede the constitutional requirement to submit a substantive change to the ABM Treaty to the Senate for advice and consent.</p> <p>In light of the fact that the President's National Security Advisor has confirmed that the draft TMD Demarcation agreement would constitute a substantive change to the ABM Treaty, the conferees agree that legislation requiring submission of the agreement for Senate advice and consent is not needed.</p> <p>Requirement that multilateralization of the ABM Treaty be done only through treaty-making power</p> <p>The House bill contained a provision (sec. 234) that would state that any addition of a new signatory party to the Anti-Ballistic Missile (ABM) Treaty (in addition to the United States and the Russian Federation) constitutes an amendment to the treaty that can only be agreed to by the United States through the treaty making power of the United States. This provision would prohibit the obligation or expenditure of funds during any fiscal year for the purpose of implementing or making binding upon the United States the participation of any additional nation as a party to the ABM Treaty, unless that nation is made a party to the treaty by an amendment to the Treaty that is made in the same manner as the manner by which a treaty is made.</p> <p>The Senate amendment contained a provision (sec. 231) that would express the sense of the Senate that during fiscal year 1997 the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty, including any agreement that would add one or more</p>

ABM TREATY (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
	<p><u>Report Language</u> <u>Page 683-686</u></p> <p>countries as signatories to the Treaty or would otherwise convert the treaty from a bilateral Treaty to a multilateral treaty, unless the agreement is entered pursuant to the treaty making power of the President under the Constitution. The House and the Senate recede from their respective provisions.</p> <p>The conferees acknowledge and reaffirm the constitutional principle that any substantive change to a treaty may be entered into only pursuant to the President's treaty making power under the Constitution. The conferees note that, with regard to the ABM Treaty, this constitutional principle is specifically codified in section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337). In this regard, the accord on ABM Treaty succession, tentatively agreed to by the administration, would constitute a substantive change to the ABM Treaty, which may only be entered into pursuant to the treaty making power of the President under the Constitution. An explanation for this conclusion is presented below.</p> <p>First, the fundamental circumstances that provided the rationale for the ABM Treaty have changed. The ABM Treaty, more than any other arms control agreement, was a product of the bipolar Cold War confrontation between the United States and the Soviet Union. With the dissolution of the Soviet Union, the United States faces strategic and political circumstances that are vastly different than those that obtained in 1972.</p> <p>Second, by having the Soviet Union succeeded, for purposes of the ABM Treaty, by some but not all of the independent states of the former Soviet Union, each possessing sovereign rights under the Treaty, a succession agreement would change, limit, and extend certain rights and obligations previously possessed by the parties. This is virtually a text book definition of a treaty amendment. The rights of the United States would clearly be changed given the fact that the Standing Consultative Commission (SCC), the ABM Treaty's implementing body, would, for the first time, be comprised of several parties, all of whom would need to consent to changes, clarifications or amendments to the Treaty. As the administration stated in a May 3, 1996, letter: "Each party will participate in implementing the Treaty as a sovereign entity. This</p>

ABM TREATY (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
	<p><u>Report Language</u> <u>Page 683-686</u></p> <p>includes a full and equal voice in the SCC." When asked if the consent of all parties would be needed before the Treaty could be amended, clarified, or interpreted, the administration answered: "Yes. The U.S. has insisted on a decision-making mechanism in the SCC under which legally binding obligations would be adopted by consensus." In effect, the SCC would be transformed into a corporate body in which up to a dozen affirmative votes would be required before the Treaty could be amended. In addition, some of the new treaty partners would only have partial rights. Of the former Soviet states, for example, only Russia would be entitled to deploy an operational ABM system.</p> <p>Third, the functional mechanics of the ABM Treaty will be changed through multilateralization. The ABM Treaty is based, in part, on a geographical description of the United States and the Soviet Union. For example, the Treaty states specifically that certain large phased array radars may only be located along the periphery of the national territory of the parties. In the case of the former Soviet Union, however, some radars are now located outside of Russia. The Skrunda radar in Latvia, for example, is on the territory of an independent country that has rejected membership in the ABM Treaty. Clearly, any agreement that addresses the successorship issue will also have to redefine these geographic aspects of the Treaty, which will constitute substantive amendments to the Treaty. In this regard, the Senate will be as interested to see which states do not accede to the ABM Treaty as it will be to see which countries do accede. Fourth, all succession agreements related to existing strategic arms control agreements have been addressed by the Senate through the constitutional advice and consent mechanism, with the exception of the Intermediate-Range Nuclear Forces Treaty, which was clearly identified as an exception to the rule at the time of succession.</p> <p>In the case of the Conventional Armed Forces in Europe (CFE) Treaty, the Senate specifically recognized the impending breakup of the Soviet Union and adopted provisions that were intended to take this into account during the ratification debate. The Senate was so concerned about this issue with regard to the CFE Treaty that it</p>

ABM TREATY (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

Page 683-686

attached a condition to the resolution of ratification that specified procedures for adding new states parties and for evaluating the implications of the withdrawal of key newly independent states from the Treaty. In the case of the Strategic Arms Reductions Talks (START I) Treaty, the succession agreement, known as the Lisbon Protocol, was approved by a two-thirds vote of the Senate as part of the overall ratification process. As in the case of CFE, START I was surrounded by major succession issues that the Senate had to address in a formal manner. It is the view of the conferees that neither CFE nor START I would have been approved by the Senate but for the fact that the succession issues were thoroughly addressed as part of the ratification debate. Given the compelling case that the ABM Treaty succession agreement is a substantive change to the treaty, the conferees affirm that such agreement must be submitted to the Senate for advice and consent.

ABM TREATY (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

Bill Language

No bill language exists.

Report Language

No language exists

ABM TREATY (CONT)

FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)

Statutory Language

Page 57

Sec. 406. Starting sixty days after enactment of this Act, none of the funds made available by this Act may be made available to support the activities of the Standing Consultative Commission (SCC) unless the President provides to the Congress a report containing a detailed analysis of whether the Memorandum of Understanding on Succession and the Agreed Statement regarding Demarcation agreed to by the Standing Consultative Commission on June 24, 1996, which was reaffirmed by Secretary of State Warren Christopher and Minister of Foreign Affairs Evgeny Primakov on September 23, 1996, represent substantive changes to the Anti-Ballistic Missile Treaty of 1972 and whether these agreements will require the advice and consent of the Senate of the United States.

FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)

Report Language

Page 841-842

Sec. 406.--The conference agreement includes a provision stating that starting sixty days after the enactment of this Act, none of the funds made available by this Act may be used to fund the Standing Consultative Commission unless the President provides a report to the Congress containing a detailed analysis of whether the Memorandum of Understanding on Succession and the Agreed Statement regarding Demarcation agreed to by the Standing Consultative Commission represent substantive changes to the Anti-Ballistic Missile Treaty of 1972 and whether these agreements will require the advice and consent of the Senate of the United States. The House bill contained a provision prohibiting funding for the Standing Consultative Commission or to implement changes to the Anti-Ballistic Missile Treaty unless the President certifies to the Congress that any such changes will be submitted to the Senate for its advice and consent. The Senate-reported bill contained no provision on this matter.

PROLIFERATION

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Bill Language
Page 53-54

SEC. 235. REPORT ON BALLISTIC MISSILE DEFENSE AND PROLIFERATION.

The Secretary of Defense shall submit to Congress a report on ballistic missile defense and the proliferation of weapons of mass destruction, including nuclear, chemical, and biological weapons, and the missiles that can be used to deliver them. The report shall be submitted not later than December 31, 1996, and shall include the following:

(1) An assessment of how United States theater missile defenses contribute to United States efforts to prevent proliferation, including an evaluation of the specific effect United States theater missile defense systems can have on dissuading other states from acquiring ballistic missiles.

(2) An assessment of how United States national missile defenses contribute to United States efforts to prevent proliferation.

(3) An assessment of the effect of the lack of national missile defenses on the desire of other states to acquire ballistic missiles and an evaluation of the types of missiles other states might seek to acquire as a result.

(4) A detailed review of the linkages between missile defenses (both theater and national) and each of the categories of counterproliferation activities identified by the Secretary of Defense as part of the Defense Counterproliferation Initiative announced by the Secretary in December 1993.

(5) A description of how theater and national ballistic missile defenses can augment the effectiveness of other counterproliferation tools.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language

No language exists.

PROLIFERATION (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language

Page 391-393

SEC. 1305. REPORT ON MILITARY CAPABILITIES OF PEOPLE'S REPUBLIC OF CHINA.

(a) *Report.*—The Secretary of Defense shall prepare a report, in both classified and unclassified form, on the future pattern of military modernization of the People's Republic of China. The report shall address both the probable course of military-technological development in the People's Liberation Army and the development of Chinese military strategy and operational concepts.

(b) *Matters To Be Included.*--The report shall include analyses and forecasts of the following:

(1) *Trends that would lead the People's Republic of China toward the development of advanced intelligence, surveillance, and reconnaissance capabilities, including gaining access to commercial or third-party systems with military significance.*

(2) *Efforts by the People's Republic of China to develop highly accurate and stealthy ballistic and cruise missiles, particularly in numbers sufficient to conduct attacks capable of overwhelming projected defense capabilities in the region.*

(3) *Development by the People's Republic of China of command and control networks, particularly those capable of battle management of long-range precision strikes.*

PROLIFERATION (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u> <u>Page 391-393</u></p> <p><i>(4) Programs of the People's Republic of China involving unmanned aerial vehicles, particularly those with extended ranges or loitering times.</i></p> <p><i>(5) Exploitation by the People's Republic of China of the Global Positioning System or other similar systems for military purposes, including commercial land surveillance satellites, particularly those signs indicative of an attempt to increase accuracy of weapons or situational awareness of operating forces.</i></p> <p><i>(6) Development by the People's Republic of China of capabilities for denial of sea control, such as advanced sea mines or improved submarine capabilities.</i></p> <p><i>(7) Continued development by the People's Republic of China of follow-on forces, particularly those capable of rapid air or amphibious assault.</i></p> <p><i>(c) Submission of Report.--The report shall be submitted to Congress not later than February 1, 1997.</i></p> <p>SEC. 1306. UNITED STATES-PEOPLE'S REPUBLIC OF CHINA JOINT DEFENSE CONVERSION COMMISSION.</p> <p><i>None of the funds appropriated or otherwise available for the Department of Defense for fiscal year 1997 or any prior fiscal year may be obligated or expended for any activity associated with the United States-People's Republic of China Joint Defense Conversion Commission until 15 days after the date on which the first semiannual report required by section 1343 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 487) is received by Congress.</i></p>	

PROLIFERATION (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Report Language</u> <u>Page 119</u></p> <p>NATO cooperation</p> <p>The committee is aware of recent progress made within the North Atlantic Treaty Organization (NATO) alliance regarding the threat posed to members of the Alliance by the proliferation of ballistic missiles and response options, including the development and deployment of effective missile defenses. The committee strongly endorses this effort and directs the Secretary of Defense to keep the Congressional defense committees apprised of future activities and progress in this area.</p> <p><u>Page 222-223</u></p> <p>Section 235--Report on Ballistic Missile Defense and Proliferation</p> <p>This section would direct the Secretary of Defense to submit a report to Congress by December 31, 1996, on ballistic missile defense and proliferation. In requiring the report, the committee directs the Director, Ballistic Missile Defense Organization to address the various relationships between theater ballistic missile defense, national ballistic missile defense, and U.S. counterproliferation objectives.</p> <p>The proliferation of weapons of mass destruction, including nuclear, chemical, and biological weapons, and the missiles that can be used to deliver them, constitutes a serious and growing threat to the security of the United States and U.S. allies. To date, traditional arms control and nonproliferation measures to prevent proliferation have met with limited success. The committee believes that insufficient attention is being given by the Administration to the role that ballistic missile defense can play in preventing proliferation. The ability to counter ballistic missiles once launched devalues the political and military utility of these weapons as instruments of terror or military significance. This was recognized by former</p>	<p><u>Report Language</u> <u>Page 123</u></p> <p>Emergency preparedness and response</p> <p>The administration has placed a high priority on preventing and combating the proliferation of weapons of mass destruction. In particular, considerable concern has arisen regarding the potential terrorist use of chemical or biological agents as a result of the nerve agent attack last year in Japan. Following the end of the Cold War, the committee expressed its concerns about these potential threats through a number of legislative provisions. In fiscal year 1994, the committee included a provision expressing its concerns and directing that the President direct the Departments of Defense and Energy, and other appropriate federal agencies, to report to Congress on their plans and programs to respond to the potential use of chemical, biological, nuclear or radiological agents or weapons against civilian populations. Recently, administration witnesses have testified to the Congress that there is a coordinated effort within the government to manage the consequences of the terrorist use of weapons of mass destruction (WMD) against the United States. Despite these assurances, the committee remains concerned that interagency conflicts are impacting the government's ability to assess the threat, identify the available capabilities and develop and implement procedures for responding to these threats. The committee understands that the President signed a Presidential Decision Directive in June 1995, outlining the interagency process and directing lead agency responsibilities to support the requirements of responding to the terrorist use of weapons of mass destruction both here in the United States and overseas. Further, the committee understands that the directive includes a requirement for coordination of crisis response and consequence management, with DOD providing response assistance to the Federal Bureau of Investigation (FBI) for crisis response and providing support to the Federal Emergency Management Agency (FEMA) for consequence management.</p>

PROLIFERATION (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Report Language

Secretary of Defense Les Aspin, who noted that "effective missile defenses can reduce incentives for proliferators to develop, acquire, or use ballistic missiles and weapons of mass destruction." In the committee's view, it is reasonable to assume that nations with scarce resources may think twice about investing in expensive military means that can be easily countered.

In addition to its role as a preventive, ballistic missile defense can also protect against the effects of proliferation should efforts to prevent it fail. However, the Administration's Defense Counterproliferation Initiative announced in December 1993, failed to consider the role that a national missile defense can play in achieving the counterproliferation mission. In addition, the Administration's recent report on "Proliferation: Threat and Response" notes that proliferation of weapons of mass destruction and the missile that can deliver them "presents a grave and urgent risk to the United States and our citizens * * *." However, the report makes no mention of national missile defense.

Page 360-361

Section 1305--Report on Military Capabilities of People's Republic of China

The military exercises and missile firings conducted by the People's Republic of China this past spring in and around the Taiwan Straits represented the culmination of several years' of modernization and innovation in selected units of the People's Liberation Army (PLA). The exercises formed a benchmark of Chinese military development, demonstrating new capabilities for projecting military power and for joint force operations. In the committee's judgment, the American response to these Chinese actions, though belated, also sent a clear signal of both U.S. political interests and military capabilities in the Asia-Pacific region.

As a result of these developments, the committee concurs with initial Department of Defense and independent analysis concluding that that the PLA has reached a crossroads, having gained a better understanding of the required military capabilities

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Report Language

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The committee believes that greater efforts are necessary to prevent the terrorist use of WMD, and in particular, the use of chemical or biological agents against the United States, and to prepare the necessary response. Despite the June 1995 presidential directive, the committee is not sure that a coherent plan exists to establish the lines of authority between the various federal agencies and departments, as well as the state and local authorities, to prepare properly for this threat.

The committee recommends authorization of \$5.0 million, in defense-wide operations and maintenance, for a comprehensive assessment to address the responsibilities and potential contributions of each federal agency and department.

The committee directs the Department to comply with section 379 of the National Defense Authorization Act for Fiscal Year 1996, to report to the committee on the Department's plans and programs to respond to the terrorist use of chemical, biological, radiological or nuclear weapons and agents.

PROLIFERATION (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Report Language

Page 360-361

for the kind of power projection forces needed to support its geopolitical aims in the region. The committee further believes that the Chinese now better understand the strategic requirement to deter or to raise the costs of American military intervention if they intend to retain the option of coercive diplomacy or the actual use of military force to achieve their national goals. In particular, the committee is concerned that the PLA now will devote more intensive efforts to developing those kinds of capabilities that will work to deny the ability to U.S. forces to operate with little risk in the region. Thus, the Chinese may move to develop different kinds of systems than their past modernization efforts, with a view toward increasing deterrence of U.S. power projection forces in the Asia-Pacific region.

These concerns prompt the committee to direct the Secretary of Defense to report, in classified and unclassified form, on the potential and likelihood for the People's Liberation Army to pursue such a modernization strategy. The committee also directs the Secretary of Defense to take a "net assessment" approach to the preparation of this report, so that the varying strategic concerns of the United States and China and the differing operational tasks of Chinese and American forces may be properly taken into account. The report shall be submitted no later than February 1, 1997.

Section 1306--United States-People's Republic of China Joint Defense Conversion Commission

This section would prohibit obligation or expenditure of fiscal year 1997 funds for activities associated with the U.S.-PRC Joint Defense Conversion Commission until 15 days after the date on which the first semiannual report required by section 1343 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) is received by Congress.

PROLIFERATION (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)

Statutory Language

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SEC. 243. REPORT ON BALLISTIC MISSILE DEFENSE AND PROLIFERATION.

The Secretary of Defense shall submit to Congress a report on ballistic missile defense and the proliferation of weapons of mass destruction, including nuclear, chemical, and biological weapons, and the missiles that can be used to deliver them. The report shall be submitted not later than December 31, 1996, and shall include the following:

- (1) An assessment of how United States theater missile defenses contribute to United States efforts to prevent proliferation, including an evaluation of the specific effect United States theater missile defense systems can have on dissuading other states from acquiring ballistic missiles.*
- (2) An assessment of how United States national missile defenses contribute to United States efforts to prevent proliferation.*
- (3) An assessment of the effect of the lack of national missile defenses on the desire of other states to acquire ballistic missiles and an evaluation of the types of missiles other states might seek to acquire as a result.*
- (4) A detailed review of the linkages between missile defenses (both theater and national) and each of the categories of counterproliferation activities identified by the Secretary of Defense as part of the Defense Counterproliferation Initiative announced by the Secretary in December 1993.*
- (5) A description of how theater and national ballistic missile defenses can augment the effectiveness of other counterproliferation tools.*

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Report on ballistic missile defense and proliferation (sec. 243)

The House bill contained a provision (sec. 235) that would direct the Secretary of Defense to submit a report to Congress by December 31, 1996, on ballistic missile defense and proliferation.

The Senate amendment contained no similar provision.

The Senate recedes.

PROLIFERATION (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

PROLIFERATION (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists.

OVERALL THEATER MISSILE DEFENSE

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Bill Language

No language exists.

Report Language

Page 15

The most glaring shortfall in the Administration's modernization program results from its antipathy to effective ballistic missile defenses. In light of the increasing proliferation of weapons of mass destruction and the missiles to deliver them over great distances, the lack of urgency in the Administration's missile defense program is startling. Congressional attempts to instill purpose, direction and focus in the Administration's moribund missile defense efforts were stymied last year by the President's veto of HR 1530, the National Defense Authorization Act for Fiscal Year 1996....

The committee is equally disturbed by the Administration's retreat from even its own efforts to develop and deploy more robust theater missile defenses. Americans will not forget how a crude, conventionally-armed Scud missile resulted in the greatest single loss of American lives during the Gulf War. Yet the Administration has chosen to scale back efforts and reduce funding necessary to develop and deploy the most robust theater missile defense system possible. The result will be to leave American forces exposed to threats that are a clear and present danger today. Consequently, in response to the Administration's inexplicable spending reductions in several key theater missile defense programs, the committee has provided additional funding for the Army's THAAD system and the Navy's "Wide Area" theater defense concept.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language

No language exists.

Report Language

Page 3

Finally, and importantly, the committee sought to accelerate development and deployment of missile defense systems to protect U.S. and allied forces against the growing threat of cruise and ballistic missiles. Accordingly, this bill supports expeditious deployment of land- and sea-based theater missile defense systems. The committee also makes clear that the Anti- Ballistic Missile (ABM) Treaty of 1972 does not apply to the theater missile defense systems envisioned by the committee.

OVERALL THEATER MISSILE DEFENSE (CONT)

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Report Language

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Theater missile defense of U.S. territories

The committee strongly supports fielding highly effective TMD systems that are capable of protecting U.S. territories from ballistic missile attack, and directs the Secretary of Defense to review the TMD requirements for U.S. territories. The Secretary shall submit a report on the results of this review to the Congressional defense committees not later than November 15, 1996.

OVERALL THEATER MISSILE DEFENSE (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

No language exists.

OVERALL THEATER MISSILE DEFENSE (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)

Bill Language

No language exists.

Report Language

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While the debate on missile defenses is moving towards a focus on "national missile defense" systems to protect the continental United States, the Committee observes that even Secretary Perry has acknowledged that prospective deployment dates of key theater ballistic defense systems (such as THAAD and the Navy Upper-Tier program), which have been given precedence over national systems in the budget, have slipped from the schedules set forth in last year's Defense Authorization and Appropriations Acts solely because of the lack of funding proposed in the President's budget. The Committee finds it difficult to understand why, more than five years after the threat of theater ballistic missiles to our forces in the field and our allies moved from the realm of possibility to reality during the Gulf War, the Administration continues to delay the deployment of effective theater missile defenses because of self-imposed fiscal constraints.

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The Department requested \$481,798,000 for the Theater High-Altitude Area defense (THAAD) program. The Committee recommends \$621,798,000, an increase of \$140,000,000. The Committee is concerned that the President's Budget request for THAAD is underfunded, a factor confirmed by Departmental witnesses in testimony

Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)

Bill Language

No language exists.

Report Language

No language exists.

OVERALL THEATER MISSILE DEFENSE (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

Report Language

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before the Committee. The Department's proposed program would, solely because of a lack of funding, delay potential THAAD deployment to the field by years. The Committee's proposed increase in funding would accelerate the THAAD program to achieve a prototype capability by 1999, and a full operational capability by 2004.

The Department requested \$58,171,000 for the Navy Upper Tier system. The Committee recommends \$304,171,000, an increase of \$246,000,000. In the Administration's program, Navy Upper Tier is not a full-fledged development program. Instead, funding included in the 1997 budget provides for a "technology demonstration." The Committee strongly believes that Navy Upper Tier must be developed and deployed as soon as possible and therefore recommends an increase in funds to accomplish this purpose.

THEATER MISSILE DEFENSE (CONT)	
FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)	FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)
<u>Statutory Language</u> No language exists.	<u>Report Language</u> No language exists.

NAVY AEGIS

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u> <u>Page 69</u></p> <p>Aegis support equipment</p> <p>The budget request contained \$30.4 million for Aegis support equipment. The committee supports the Aegis program's ongoing effort to utilize interactive electronic technical manuals (IETMs) that store paper manuals in electronic format. The committee is aware that the Navy is investigating the possibility of hosting the IETMs on flexible wearable computers. This system allows repair technicians to perform their tasks with hands-free access to the IETM maintenance information, while affording them maximum mobility to operate in confined spaces. In order to gain at-sea experience with the combined IETM/flexible wearable computer system, the committee recommends an additional \$3.0 million to procure flexible wearable computers for deployment on Aegis ships as well as other ships that have IETMs available.</p>	<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

NAVY AEGIS (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u></p> <p>No statutory language exists.</p>	<p><u>Report Language</u> <u>Page 527</u></p> <p>AEGIS support equipment</p> <p>The budget request included \$30.4 million for AEGIS support equipment.</p> <p>The House bill would authorize an additional \$3.0 million to procure flexible wearable computers for deployment on AEGIS ships as well as other ships that have interactive electronic technical manuals (IETM) available.</p> <p>The report to accompany the House bill (H. Rept. 104-563) noted that the Committee on National Security of the House of Representatives is aware that the Navy is investigating the possibility of hosting the IETMs on flexible wearable computers. Such a system would allow repair technicians to perform their tasks with hands-free access to the IETM maintenance information, while affording them maximum mobility to operate in confined spaces. The additional funds proposed by the House would permit the Navy to gain at-sea experience with the combined IETM/flexible wearable computer system.</p> <p>The Senate amendment would authorize the requested amount.</p> <p>The Senate recedes.</p>

NAVY AEGIS (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u> <u>Page 168</u></p> <p style="text-align: center;">AEGIS COMBAT SYSTEM ENGINEERING</p> <p>The Navy requested \$89,279,000 for Aegis combat system engineering. The Committee recommends \$93,279,000, an increase of \$4,000,000 only to consolidate existing test systems at the Navy Air Warfare Center, Aircraft Division into a test integration facility to support development of systems for aircraft carriers and Aegis ships.</p>	<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

NAVY AEGIS (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists.

CORPS SAM/MEADS

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Bill Language

No language exists.

Report Language

Page 117

.CorpsSAM/MEADS

The budget request included \$56.2 million for the Corps surface-to-air missile/Medium Extended Air Defense System (CorpsSAM/MEADS). The committee has in the past supported a cooperative multinational program, but notes that: a memorandum of understanding establishing the program has yet to be signed; there is a high degree of uncertainty as to which U.S. European allies will join in the project; and other programmatic changes have significantly delayed formal initiation of the program. As a result, the committee can no longer determine the total cost of the program, the U.S. cost-share percentage, or the program schedule, including key technical milestones. Furthermore, the committee notes that senior DOD officials have thus far chosen not to press support for the program during congressional consideration of the fiscal year 1997 budget request. Therefore, the committee recommends no funds for the program. The committee also notes that the Department has yet to submit a report on options associated with the use of existing systems technologies and program management mechanisms to satisfy validated CorpsSAM/MEADS requirements, as was requested in the statement of managers accompanying the conference report on S. 1124 (H. Rept. 104-450). Therefore, only \$5.0 million of the \$20.0 million authorized in fiscal year 1996 has been obligated for CorpsSAM/MEADS. The committee urges the expeditious completion and submission of this report.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language

No language exists.

Report Language

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Corps Sam/medium extended air defense system

The budget request included \$56.2 million for the Corps surface-to-air missile (SAM)/Medium Extended Air Defense System (MEADS) program. Because of remaining concerns about the long-term viability and cost of this program, especially in light of the questionable European commitment to the program, the committee recommends two actions. First, the committee recommends a reduction of \$10.8 million in PE 63869C. The committee notes that the General Accounting Office has reviewed the Corps SAM budget request and concluded that such a reduction is in order. Second, the committee directs that none of the funds authorized for Corps SAM/MEADS for fiscal year 1997 be obligated until: (1) the MEADS Memorandum of Understanding (MOU) is signed by all parties; (2) the Secretary of Defense certifies to Congress that, pursuant to the MOU, the U.S. share of the costs for the MEADS program will not exceed 50 percent; and (3) the Secretary submits to the congressional defense committees the report on options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the Corps SAM requirement specified in the Statement of Managers accompanying the National Defense Authorization Act for Fiscal Year 1996.

CORPS SAM/MEADS (CONT)

Senate FY97 DOD Authorization SENATE FLOOR AMENDMENT (6/26/96)

LIEBERMAN AMENDMENT

At the end of subtitle C of title II add the following:

SEC. 237. CORPS SAM/MEADS PROGRAM.

(a) Funding.--Of the amount authorized to be appropriated under section 201(4)--

(1) \$56,200,000 is available for the Corps surface-to-air missile (SAM/ Medium Extended Air Defense System (MEADS) program (PE63869C); and

(2) \$515,711,000 is available for Other Theater Missile Defense programs, projects, and activities (PE63872C).

(b) International Cooperation.--The Secretary of Defense may carry out the program referred to in subsection (a) in accordance with the memorandum of understanding entered into on May 25, 1996 by the governments of the United States, Germany, and Italy regarding international cooperation on such program (including any amendments to the memorandum of understanding).

(c) Limitations.--Not more than \$15,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees the following:

(1) An initial program estimate for the Corps SAM/MEADS program to, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.

CORPS SAM/MEADS (CONT)

Senate FY97 DOD Authorization SENATE FLOOR AMENDMENT (6/26/96)

LIEBERMAN AMENDMENT (CONT)

(2) A report on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).

(3) A certification that there will be no increase in overall United States funding commitment to the project definition and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

CORPS SAM/MEADS (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u></p> <p>SEC. 241. FUNDING FOR BALLISTIC MISSILE DEFENSE PROGRAMS FOR FISCAL YEAR 1997.</p> <p><i>...(b) Limitation.--None of the funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act may be obligated or expended by the Office of the Under Secretary of Defense for Acquisition and Technology for official representation activities, or related activities, until the Secretary of Defense certifies to Congress that—</i></p> <p style="padding-left: 40px;"><i>(1) the Secretary has made available for obligation the funds provided under subsection (a) for the purposes specified in that subsection and in the amounts appropriated pursuant to that subsection; and</i></p> <p style="padding-left: 40px;"><i>(2) the Secretary has included the Navy Upper Tier theater missile defense system in the theater missile defense core program.</i></p> <p><i>(c) Limitations.--Not more than \$15,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees the following:</i></p> <p style="padding-left: 40px;"><i>(1) An initial program estimate for the Corps SAM/MEADS program, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.</i></p> <p style="padding-left: 40px;"><i>(2) A report on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).</i></p> <p style="padding-left: 40px;"><i>(3) A certification that there will be no increase in overall United States funding commitment to the project definition and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.</i></p>	<p><u>Report Language</u></p> <p><u>Page 658</u></p> <p>CORPS SAM/MEDIUM EXTENDED AIR DEFENSE SYSTEM</p> <p>The budget request included \$56.2 million for Corps surface-to-air missile (SAM)/Medium Extended Air Defense System (MEADS) program. The conferees endorse the MEADS program, which is required to defend forward- deployed troops, and approve the budget request, subject to limitation specified elsewhere in this report.</p> <p><u>Page 689</u></p> <p>Corps SAM/MEADS program</p> <p>The Senate amendment contained a provision (sec. 236) that would authorize \$56.2 million for the Corps surface-to-air/Medium Extended Air Defense System, and would require the Secretary of Defense to submit certain items prior to obligating more than \$15.0 million in fiscal year 1997.</p> <p>The House bill contained no similar provision.</p> <p>The Senate recedes. Funding for Corps SAM/MEADS is discussed elsewhere in this report.</p>

CORPS SAM/MEADS (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

CORPS SAM/MEADS (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

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Sec. 5801. Of the amounts made available in Title IV of the Department of Defense Appropriations Act, 1997, under the heading "Research, Development, Test and Evaluation, Defense-Wide", \$56,232,000 shall be made available only for the Corps Surface-to-Air Missile (CORPS SAM) program.

Report Language

NAVY UPPER TIER

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

Bill Language

No language exists.

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Bill Language

Page 49-50

SEC. 234. FUNDING FOR UPPER TIER THEATER MISSILE DEFENSE SYSTEMS.

(a) Funding.--Funds authorized to be appropriated under section 201(4) shall be available for purposes and in amounts as follows:

(1) For the Theater High Altitude Area Defense (THAAD) System, \$621,798,000.

(2) For the Navy Upper Tier (Theater Wide) system, \$304,171,000.

(b) Limitation.--None of the funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act may be obligated or expended by the Office of the Under Secretary of Defense for Acquisition and Technology for official representation activities, or related activities, until the Secretary of Defense certifies to Congress that--

(1) the Secretary has made available for obligation the funds provided under subsection (a) for the purposes specified in that subsection and in the amounts appropriated pursuant to that subsection; and

(2) the Secretary has included the Navy Upper Tier theater missile defense system in the theater missile defense core program.

NAVY UPPER TIER (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Report Language Page 119

Navy upper tier

The budget request included \$58.2 million for Navy Upper Tier (PE 63868C). The committee recommends an additional \$246.0 million this high-priority project. The additional funds shall be used to accelerate the development, testing, and deployment of the Navy's theater-wide TMD system.

The committee is dismayed by the Department's refusal to include Navy Upper Tier as a "core" TMD program--as required by section 234 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106)--and the Department's proposal to reduce funding for this project in fiscal year 1997 by over \$140.0 million as compared to the amount authorized by Congress in fiscal year 1996. Furthermore, the committee directs the Secretary of Defense to provide adequate resources in the fiscal year 1998 budget request to accelerate the schedule for Navy Upper Tier in accordance with previous congressional direction.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Report Language Page 127

Section 234. Funding for upper tier theater missile defense systems.

The committee recommends a provision that would authorize funds for the Theater High Altitude Area Defense (THAAD) system and the Navy Upper Tier theater missile defense (TMD) system. The provision would also prohibit the use of funds during fiscal year 1997 by the Undersecretary of Defense for Acquisition and Technology for official representation activities until the Secretary of Defense certifies to Congress that: (1) fiscal year 1997 funds for THAAD and Navy Upper Tier have been made available for obligation; and (2) the Navy Upper Tier system has been included in the core TMD program.

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Navy upper tier (theater wide)

The budget request included \$58.2 million for continued development of the Navy Upper Tier (Theater Wide) TMD system. This is a significant reduction from the \$200.4 million authorized and appropriated in fiscal year 1996, and reflects the low priority that the administration attaches to this program. The committee does not support the Department's recommendation to delay the development and deployment of the Navy Upper Tier system and strenuously objects to the Department's disregard of requirements set forth in the law.

The National Defense Authorization Act for Fiscal Year 1996 mandates that the Navy Upper Tier system become the fourth "core" TMD system and establishes accelerated milestones for this program. Specifically, a UOES capability was to be achieved in fiscal year 1999 and a FUE by fiscal year 2001. Under the administration's proposed program, these milestones would be delayed well into the next century. There is no technical reason why a Navy Upper Tier capability cannot be fielded on a much more aggressive schedule than proposed by the administration.

NAVY UPPER TIER (CONT)

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Report Language

Page 200

The committee continues to support the Navy Upper Tier system as a matter of priority. Sea-based upper tier TMD capability provides an important complement to ground-based systems, and each has unique attributes. Sea-based upper tier systems can provide initial protection to facilitate the insertion of ground forces, including ground-based TMD systems, which in turn provide the firepower needed for sustained operations. A sea-based upper tier system would also offer the possibility of defending large areas where it may not be possible to insert ground-based TMD assets. Deployed together, ground-based and sea-based TMD can provide very robust protection through multiple engagement opportunities. The committee believes that both systems are essential.

The Statement of Managers (H. Rest. 104-450) accompanying the National Defense Authorization Act for Fiscal Year 1996 required the Director of BMDO to provide a report to the congressional defense committees by March 1, 1996, detailing the Department's plan for Navy Upper Tier, including options to reduce risk. Although the Department recently recommended that several kill vehicle options be considered, the budget request does not support an aggressive effort to identify and develop the most effective options for the Navy Upper Tier mission. Accordingly, the committee recommends a net increase in PE 63868C of \$246.0 million to support an accelerated Navy Upper Tier effort and to thoroughly evaluate the Lightweight Exoatmospheric Projectile (LEAP) and a modified version of the THAAD kill vehicles.

For the modified THAAD kill vehicle, the committee directs BMDO to begin funding the key modifications required to support the Navy Upper Tier mission, including a solid divert and attitude control system and AEGIS weapon system/vertical launch system integration activities. The committee recommends the use of \$50.0 million to support this effort in fiscal year 1997 from the overall amount authorized for the Navy Upper Tier program.

NAVY UPPER TIER (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Report Language</u></p>	<p><u>Report Language</u> <u>Page 200</u></p> <p>The committee believes that the Navy, in conjunction with BMDO, should assess the potential that development of a new second stage motor for the Standard Missile could have for a range of missile defense and other applications. The committee believes that a new second stage motor could provide improved performance for sea-based BMD and could also support enhanced deep and fast strike missile options for the Naval Surface Fire Support mission. A new second stage could simplify integration issues associated with kill vehicle options for Navy Upper Tier and other BMD missions, thereby reducing the cost and complexity of the kill vehicle development program. In addition, such a new second stage could support future growth options for sea-based BMD. Accordingly, the committee recommends the use of \$25.0 million of the funds authorized for Navy Upper Tier to initiate this second stage motor development effort.</p>

NAVY UPPER TIER (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u></p> <p>No statutory language exists.</p>	<p><u>Report Language</u> <u>Page 658</u></p> <p>NAVY UPPER TIER (THEATER WIDE)</p> <p>The budget request included \$58.2 million for continued development of the Navy Upper Tier (Theater Wide) TMD system. This is a significant reduction from the \$200.4 million authorized and appropriated in fiscal year 1996, and reflects the low priority that the administration attaches to this program. The conferees do not support the Department's recommendation to delay the development and deployment of the Navy Upper Tier system.</p> <p>The National Defense Authorization Act for Fiscal Year 1996 mandates that the Navy Upper Tier system become the fourth "core" TMD system and establishes accelerated milestones for this program. The conferees have not been made aware of any technical reasons why a Navy Upper Tier capability cannot be fielded on a much more aggressive schedule than proposed by the administration.</p> <p>The conferees continue to support the Navy Upper Tier system as a matter of priority. Sea-based upper tier TMD capability provides an important complement to ground-based systems, and each has unique attributes. Accordingly, the conferees recommend a net increase in PE 63868C of \$246.0 million to support an accelerated Navy Upper Tier program.</p> <p>The conferees are aware that BMDO has begun evaluating the key modifications required for the THAAD kill vehicle to be a candidate for the Navy Upper Tier mission. The conferees recommend the use of not more than \$10.0 million to support this effort in fiscal year 1997 from the overall amount authorized for the Navy Upper Tier program, and not more than \$10.0 million from the overall amount authorized for THAAD for this purpose.</p> <p>The conferees believe that the Navy, in conjunction with BMDO, should assess the potential that development of a new second stage motor for the Standard Missile could have for a range of missile defense applications. Accordingly, the conferees recommend the use of \$10.0 million of the funds authorized for Navy Upper Tier to initiate this second stage motor development effort.</p>

NAVY UPPER TIER (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

Bill Language

Page 30

Provided, That not less than \$304,171,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program.

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

Bill Language

No language exists.

NAVY UPPER TIER (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)

Report Language

Page 187

The Department requested \$58,171,000 for the Navy Upper Tier system. The Committee recommends \$304,171,000, an increase of \$246,000,000. In the Administration's program, Navy Upper Tier is not a full-fledged development program. Instead, funding included in the 1997 budget provides for a "technology demonstration." The Committee strongly believes that Navy Upper Tier must be developed and deployed as soon as possible and therefore recommends an increase in funds to accomplish this purpose.

Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)

Report Language

No language exists.

NAVY UPPER TIER (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

Page 87-88

Provided, That not less than \$304,171,000 of the funds appropriate in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists.

THAAD

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u></p> <p>No language exists.</p>	<p><u>Bill Language</u> <u>Page 49-50</u></p> <p><i>SEC. 234. FUNDING FOR UPPER TIER THEATER MISSILE DEFENSE SYSTEMS.</i></p> <p><i>(a) Funding.--Funds authorized to be appropriated under section 201(4) shall be available for purposes and in amounts as follows:</i></p> <p><i>(1) For the Theater High Altitude Area Defense (THAAD) System, \$621,798,000.</i></p> <p><i>(2) For the Navy Upper Tier (Theater Wide) system, \$304,171,000.</i></p> <p><i>(b) Limitation.--None of the funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act may be obligated or expended by the Office of the Under Secretary of Defense for Acquisition and Technology for official representation activities, or related activities, until the Secretary of Defense certifies to Congress that--</i></p> <p><i>(1) the Secretary has made available for obligation the funds provided under subsection (a) for the purposes specified in that subsection and in the amounts appropriated pursuant to that subsection; and</i></p> <p><i>(2) the Secretary has included the Navy Upper Tier theater missile defense system in the theater missile defense core program.</i></p>

THAAD (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Report Language

Page 120

THAAD

The budget request included \$269.0 million in PE 63861C for THAAD demonstration/validation (dem/val), and \$212.7 million in PE 64861C for THAAD engineering and manufacturing development (EMD). The committee continues to support the development, production, and fielding of THAAD as a matter of highest priority, and recommends an additional \$140.0 million in PE 63861C for the THAAD program.

The committee endorses the acquisition, beginning in fiscal year 1997, of a second THAAD radar, in order to reduce risk and support operational ground-testing. Of the \$140.0 million in additional funds authorized for THAAD, \$65.0 million shall be used for long-lead funding for a second THAAD radar. The committee strongly objects to the Department's plan for THAAD that emerged from the BMD Program Review. That plan, which involves delaying the initiation of low-rate initial production (LRIP) and hence achievement of a first unit equipped (FUE) date of 2006, violates the letter and the spirit of section 234 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106). The committee directs the Secretary of Defense to include the necessary resources in the fiscal year 1998-2003 program objective memorandum (POM) to significantly accelerate the THAAD schedule.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Report Language

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Section 234. Funding for upper tier theater missile defense systems.

The committee recommends a provision that would authorize funds for the Theater High Altitude Area Defense (THAAD) system and the Navy Upper Tier theater missile defense (TMD) system. The provision would also prohibit the use of funds during fiscal year 1997 by the Undersecretary of Defense for Acquisition and Technology for official representation activities until the Secretary of Defense certifies to Congress that: (1) fiscal year 1997 funds for THAAD and Navy Upper Tier have been made available for obligation; and (2) the Navy Upper Tier system has been included in the core TMD program.

Page 137

High modulus polyacrylonitrile (PAN) carbon fiber

Polyacrylonitrile (PAN) carbon fiber is a critical composite material used in the Theater High-Altitude Area Defense (THAAD) missile component. In order to complete a multi-year program to develop at least two domestic sources for this material, the committee recommends an increase of \$8.0 million in PE 62105A to complete this effort in fiscal year 1997. The committee directs that all applicable competitive procedures be used in the award of any contracts or other agreements under this program, and that cost sharing requirements for non-federal participants be utilized where appropriate.

THAAD (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Report Language Page 144

High modulus polyacrylonitrile (PAN) carbon fiber

High modulus polyacrylonitrile (PAN) carbon fiber is a critical component of the Theater High Altitude Air Defense (THAAD) system's kill vehicle. In addition, it is a critical material in the Atmospheric Interceptor Technology (AIT) kill vehicle which is designed to advance lightweight technologies necessary for future hypersonic hit-to-kill vehicles. In fiscal year 1996, \$4.0 million was added to the Army's manufacturing technology program in order to fund the first year of a multi-year program designed to support the development of a domestic source for this material. The committee recommends an additional \$8.0 million in PE 78045A to complete the funding requirements for this program.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Report Language Page 199-200

Theater high altitude area defense system

The budget request included \$481.8 million to complete THAAD demonstration and validation (Dem/Val) and to begin engineering and manufacturing development (EMD). The committee continues to support the development, production, and fielding of THAAD as a matter of highest priority. To reflect the priority attached to the THAAD program by Congress, the National Defense Authorization Act for Fiscal Year 1996 mandated in section 234 that the system achieve a first unit equipped (FUE) not later than fiscal year 2000.

Despite this clear congressional direction, the Department of Defense has proposed a restructuring of the THAAD program as part of its BMD Program Update Review that is inconsistent with the law and congressional intent. There are two important aspects of this proposed restructuring. First, the Department proposed streamlining the planned EMD phase for THAAD by proceeding with production of the so-called user operational evaluation system (UOES) configuration. Subsequent improvements to enhance overall THAAD system robustness would be pursued in the future as warranted by threat developments. The committee supports this particular recommendation, which is consistent with the programmatic guidance it provided to the Department last year. Aside from yielding significant savings by simplifying the EMD phase of the program, this action could also be used to facilitate earlier fielding of the THAAD system.

The committee strongly disagrees with the second element of the Department's proposed restructuring of the THAAD program. This involves delaying the initiation of low-rate initial production (LRIP), and hence achievement of the FUE until fiscal year 2004, at the earliest. This proposal to delay LRIP reflects the administration's budgetary priorities, not military or technical considerations. The committee rejects this prioritization. If adopted, the administration's recommendation would mean that THAAD would be fielded 12 or more years after the program was initiated on a

THAAD (CONT)	
House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
	<p><u>Report Language</u> <u>Page 199-200</u></p> <p>virtual “crash” basis to address the inadequacies in U.S. TMD capabilities that were illustrated during Operation Desert Storm. Furthermore, after fielding the UOES system in fiscal year 1998, there would be a four year delay before beginning LRIP, which would almost certainly lead to a shutdown of the production facility. This not only stretches the development phase of a system that would otherwise be ready for production, but shutting down the production facility is untenable from an industrial base perspective. For these reasons, the committee believes that the proposed delay is unacceptable.</p> <p>The committee remains committed to fielding the THAAD system as quickly as technically feasible. Therefore, the committee directs the Secretary of Defense to structure the THAAD program to begin LRIP in fiscal year 1999 and to adjust the future years defense program accordingly. The committee recommends an increase of \$75.0 million in PE 63861C and an increase of \$65.0 million in PE 64861C, an overall increase of \$140.0 million for the THAAD program.</p> <p>The committee also attaches importance to the UOES system, which will be delivered to the United States Army in fiscal year 1998. This system will provide valuable opportunities for training and testing. Most importantly, it will provide some limited operational capability in the event of a crisis. The committee questions the adequacy of a UOES capability based on 40 interceptor missiles. This would provide for just one load-out of missiles for each of the four THAAD UOES launchers. Once these missiles are used for testing purposes, or launched during a crisis, no reloads would be available. In this regard, the committee notes that 36 Patriot missiles were expended on the first day of combat during Operation Desert Storm. Accordingly, the committee believes that a total of 80 missiles is more appropriate, and directs the Secretary of Defense to include funding to acquire these additional 40 UOES missiles in the fiscal year 1998 budget request.</p> <p>The administration's proposed program for THAAD does not include funding for a second EMD radar until very late in the program. The committee believes that there are many compelling reasons to fund this radar earlier.</p>

THAAD (CONT)	
House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
	<p><u>Report Language</u> <u>Page 199-200</u></p> <p>Specifically, a second EMD radar would reduce overall THAAD system development and production risk. The first EMD radar will be used primarily for flight testing at the Kwajalein test range. A second radar would be able to support operational ground testing, and could serve as a back-up asset in the event of unforeseen problems during the test program or to support testing activities at two locations (e.g., White Sands missile test range and Kwajalein). Procuring this second EMD radar beginning with long-lead funding in fiscal year 1997 would avoid disruption to the production line and hence would be more cost effective. Accordingly, the committee directs the Secretary of Defense to proceed with acquisition of a second EMD radar in fiscal year 1997 and provides \$65.0 million in long-lead funding for this purpose.</p> <p>The committee has been concerned by the operational limitations of testing the THAAD system at the White Sands range. Numerous delays have already been imposed on the program due to these limitations. Therefore, the committee directs the Secretary of Defense to transition to flight testing at the Kwajalein range at the earliest practical opportunity. The committee is also concerned about the fact that the EMD request for proposal (RFP) has still not been finally issued. The committee directs the Secretary of Defense to issue the EMD RFP as soon as possible.</p>

THAAD (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No statutory language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

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High modulus polyacrylonitrile carbon fiber

The budget request included \$27.9 million for Industrial Preparedness Activities (PE 78045A).

The conferees agree to an increase of \$8.0 million in PE 78045A to complete the multi-year program to develop at least two domestic sources for high modulus polyacrylonitrile (PAN) carbon fiber as discussed in the House report (H. Rept. 104-563) and the Senate report (S. Rept. 104-267). The conferees direct that all applicable competitive procedures be used in the award of any contracts or other agreements under this program, and that cost sharing requirements for non-federal participants be utilized where appropriate.

THAAD (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
	<p><u>Report Language</u> <u>Page 657</u></p> <p>THEATER HIGH ALTITUDE AREA DEFENSE SYSTEM</p> <p>The budget request included \$481.8 million to complete Theater High Altitude Area Defense (THAAD) demonstration and validation (Dem/Val) and to begin engineering and manufacturing development (EMD). The conferees continue to support the development, production, and fielding of THAAD as a matter of highest priority. The conferees remain committed to fielding the THAAD system as quickly as technically feasible. The conferees agree to authorize an increase of \$75.0 million in PE 63861C and an increase of \$65.0 million in PE 64861C, an overall increase of \$140.0 million for the THADD program.</p> <p>The conferees also attach importance to the THAAD User Operational Evaluation (UOES) system. This system will provide valuable opportunities for training and testing. Most importantly, it will provide some limited operational capability in the event of a crisis. However, the conferees question the adequacy of a UOES capability based on 40 interceptor missiles.</p> <p>The conferees believe that a total of 80 missiles is more appropriate, and direct the Secretary of Defense to include funding to acquire these additional 40 UOES missiles in the fiscal year 1998 budget request. The administration's proposed program for THAAD does not include funding for a second EMD radar until very late in the program. The conferees believe that there are many compelling reasons to fund this radar earlier. Accordingly, the conferees direct the Secretary of Defense to proceed with acquisition of a second EMD radar in fiscal year 1997 and agree to authorize \$65.0 million in long-lead funding for this purpose.</p> <p>The conferees strongly reject the idea that the THAAD development program should be delayed so as to allow a "fly-off" between THAAD and the Navy Upper Tier system.</p> <p>The conferees understand that the Army plans to complete THAAD dem/val flight testing at the White Sands Missile Range and transition to flight testing at the Kwajalein Missile Range for the EMD phase. The conferees support this plan.</p>

THAAD (CONT)	
House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No House language exists.</p> <p><u>Report Language</u> <u>Page 187</u></p> <p>The Department requested \$481,798,000 for the Theater High-Altitude Area Defense (THAAD) program. The Committee recommends \$621,798,000, an increase of \$140,000,000. The Committee is concerned that the President's Budget request for THAAD is underfunded, a factor confirmed by Departmental witnesses in testimony before the Committee. The Department's proposed program would, solely because of a lack of funding, delay potential THAAD deployment to the field by years. The Committee's proposed increase in funding would accelerate the THAAD program to achieve a prototype capability by 1999, and a full operational capability by 2004.</p>	<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

THAAD (CONT)	
FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)	FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)
<u>Statutory Language</u> No language exists.	<u>Report Language</u> No language exists.

JOINT THEATER MISSILE DEFENSE

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>	<p><u>Bill Language</u></p> <p>No language exists</p> <p><u>Report Language</u></p> <p><u>Page 203</u></p> <p>Joint theater missile defense</p> <p>The budget request included \$521.5 million in BMDO's Joint TMD program element (formerly known as Other TMD). The committee recommends a net increase of \$6.4 million in PE 63872C, including the following adjustments: (1) a transfer of \$9.3 million to the BPI program element for the U.S.-Israel Joint BPI program; (2) an increase of \$3.7 million for the Arrow Deployability Project (ADP), for a total authorization of \$35.0 million to fully fund the U.S. share of the program envisioned in the recently completed Memorandum of Agreement between the United States and Israel; (3) an increase of \$7.0 million for the Army's Advanced Research Center (ARC), for a total authorization of \$15.0 million; and (4) an increase of \$5.0 million for BMDO to ensure that the Navy's Cooperative Engagement Capability is compatible with all of BMDO's core TMD programs.</p>

JOINT THEATER MISSILE DEFENSE (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No statutory language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

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JOINT THEATER MISSILE DEFENSE

The budget request included \$521.5 in BMDO's Joint TMD program element (formerly known as Other TMD). The committee recommends a net increase of \$6.4 million in PE 63872C, including the following adjustments: (1) a transfer of \$9.3 million to the BPI program element for the U.S.-Israel Joint BPI program; (2) an increase of \$3.7 million for the Arrow Deployability Project (ADP), for a total authorization of \$35.0 million to fully fund the U.S. share of the program envisioned in the recently completed Memorandum of Agreement between the United States and Israel; (3) an increase of \$7.0 million for the Army's Advanced Research Center (ARC), for a total authorization of \$15.0 million; and (4) an increase of \$5.0 million for BMDO to ensure that the Navy's Cooperative Engagement Capability is compatible with all of BMDO's core TMD programs.

JOINT THEATER MISSILE DEFENSE (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>	<p><u>Bill Language</u></p> <p>No language exists</p> <p><u>Report Language</u></p> <p><u>Page 131</u></p> <p>Joint theater missile defense--demonstration/validation.--The Committee notes that the budget request for this program element includes \$19,766,000 for development of the extended airborne global launch evaluator [EAGLE]. EAGLE is intended to provide a theater ballistic missile [TBM] detection capability for the airborne warning and control system [AWACS]. Budget documents indicate that over \$55,000,000 will be spent demonstrating the EAGLE concept in preparation for an engineering and manufacturing development [EMD] program.</p> <p>The Committee is also aware of a proposal to transfer Cobra Ball technology to Rivet Joint. This program would allow Rivet Joint aircraft to provide long-range detection and tracking of ballistic missile launches. The Committee understands that it is expected to cost \$70,000,000 over 4 years to provide this capability to all Rivet Joint aircraft.</p> <p>The Committee believes the development of both capabilities is unaffordable and unnecessary. The Committee recommendation cuts the budget request amount for AWACS EAGLE. The Committee has added these funds to a new project, airborne sensors for ballistic missile tracking. The Committee directs that the Under Secretary of Defense (acquisition and technology) [USD(A&T)] evaluate AWACS EAGLE, Rivet Joint technology transfer, and any other concepts for cost effectively providing an airborne sensor capability to detect and track ballistic missiles. The Committee directs that the USD(A&T) provide a plan for developing this capability and allocating the appropriated funds no later than May 1, 1997.</p> <p>The Committee understands that the Space and Strategic Defense Command's [SSDC] Advanced Research Center [ARC] has proven to be a valuable asset in the analysis and testing of theater and national missile defense systems. The Committee recommends an increase of \$7,000,000, providing a total of \$15,000,000 to fund the SSDC's ARC.</p>

JOINT THEATER MISSILE DEFENSE (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

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OTHER THEATER MISSILE DEFENSE/FOLLOW-ON TMD

The conferees agree with the Senate direction that the Under Secretary of Defense (Acquisition and Technology) (USD(A&T)) provide a plan for developing an airborne sensor capability for tracking ballistic missiles. The conferees further believe that analyses to develop this plan should consider the opportunity to use the Airborne Laser sensors to perform this mission. The conferees direct that operational user requirements and perspectives and total program cost be given priority consideration in selecting a system to provide this capability. Because of the urgent need to deliver such a system, the conferees direct that the USD(A&T) provide a plan not later than January 19, 1997, for developing this capability and allocating the appropriated funds. The conferees further direct that DoD may obligate up to one-third of the appropriated funds prior to the delivery of the plan to the congressional defense committees. The conferees further direct that any funds obligated prior to delivery of the required plan shall be divided fairly between the AWACS EAGLE program and the Rivet Joint Technology Transfer program.

PATRIOT

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No report language exists.</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p><u>Page 27</u></p> <p>Patriot modifications</p> <p>The budget request included \$11.5 million to support fielding of anticipated materiel changes to the Patriot weapon system. The committee recognizes critical lessons learned during recent technology demonstrations that highlighted the benefits of digitizing the maintenance portion of battlefield operations. Future Patriot development activities provide the opportunity to develop and insert hardware that would support the fielding of an integrated diagnostic support system (IDSS). The committee is encouraged to note that insertion of IDSS into future Patriot modifications could result in \$8.5 million in annual savings and would greatly reduce the need for an intermediate level of maintenance.</p> <p>The committee recommends an increase of \$12.0 million for IDSS development and hardware procurement for a total of \$23.5 million.</p>

PATRIOT (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u></p> <p>No statutory language exists.</p>	<p><u>Report Language</u> <u>Page 595</u></p> <p>Missile/air defense product improvement program</p> <p>The budget request included \$31.0 million for missile and air defense improvements.</p> <p>The House bill would authorize an increase of \$20.0 million to the budget request.</p> <p>The Senate amendment would authorize an increase of \$55.0 million in PE 23801A. Of this amount, \$40.0 million would be to complete analysis on cruise missile enhancements to the Patriot PAC-1 missile and an additional \$15.0 million for evaluation of the Starstreak missile.</p> <p>The conferees agree to authorize \$71.0 million in PE 23801A to complete the Patriot cruise missile seeker assessment. The Starstreak missile program is addressed elsewhere in this report.</p>

PATRIOT (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u> <u>Page 76</u></p> <p>The Army requested \$2,862,000 to provide support for Patriot missile deliveries. Army budget materials show all U.S. missile deliveries completing prior to fiscal year 1997. Accordingly, the Committee denies the requested funds.</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

PATRIOT (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

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PATRIOT MODIFICATIONS

The conferees agree to provide \$23,464,000 for Patriot modifications. The additional funds are provided for the GEM +/-upgrade and the Integrated Diagnostic Support System and may be distributed between the two programs at the discretion of the Army.

CRUISE MISSILE DEFENSE

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Bill Language

No bill language exists.

Report Language

Page 127

Cruise missile defense

The committee recommends additional funding in fiscal year 1997 for various cruise missile defense activities. The committee's recommendation builds upon the actions taken in section 274 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) wherein the Congress launched the cruise missile defense initiative.

Specifically, to enhance the ability of the Airborne Warning and Control System (AWACS) aircraft to detect the launch of cruise missiles, the committee recommends an increase of \$5.0 million in PE 63226E and \$5.0 million in PE 27417F. The committee also recommends an additional \$5.0 million in PE 63226E and \$5.0 million in program element 64770F, in order to upgrade the Joint Surveillance Target Attack Radar System (JSTARS) and an additional \$20.0 million in PE 23801A for continued development of improved cruise missile defense capabilities of the Patriot Advanced Capability-2 (PAC-2) missile.

Finally, the committee notes with concern that the Department has yet to provide the report required by section 274(e) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106), and strongly urges the Department to complete and submit this report promptly.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language

No bill language exists.

Report Language

Page 144

Missile/air defense product improvement program

The committee recommended an additional \$35.0 million to the fiscal year 1996 budget request to address the cruise missile threat and develop alternatives based on potential modifications to PAC-1 Patriot missiles. The committee recognizes that the cruise missile threat is growing and requires the immediate attention of developmental efforts to ensure that Army forces are protected. The committee recommends an increase of \$40.0 million in PE 23801A for fiscal year 1997 to complete this analysis and provide the results to the Army for consideration.

The committee also supports Army efforts to evaluate the Starstreak missile alongside the Stinger missile as potential candidates for the air-to-air missile system required for the Apache helicopter. Noted is the outstanding funding requirement for \$15.0 million in PE 23801A to support completion of the Army effort to conduct a robust test of both missiles, along with a corresponding cost-effectiveness analysis addressing the full integration of each system on the Apache helicopter.

The committee, therefore, recommends an increase of \$40.0 million to support Patriot cruise missile seeker development and an additional \$15.0 million to complete evaluation of the Starstreak missile.

CRUISE MISSILE DEFENSE (CONT)	
House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
	<p><u>Report Language</u> <u>Page 191</u></p> <p>Cruise missile defense funding</p> <p>Section 274 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) directs the Secretary of Defense to strengthen and coordinate the Department's cruise missile defense programs and activities. Public Law 104-106 also provides significant increases in funding for this effort.</p> <p>For fiscal year 1997, the committee recommends a continuation of this effort and a net increase of \$170.0 million for this purpose. None of these funds may be obligated, however, until the committee receives the implementation plan specified in section 274 (Public Law 104-106). For fiscal year 1997, the committee recommends four programmatic initiatives.</p> <p>First, to enhance the ability of United States forces to detect rapidly the launch of cruise missiles across the breadth and width of the battlefield, the committee recommends an increase in funding to transition surveillance technology developed by the Defense Advanced Research Projects Agency (DARPA) to aerostats and the Airborne Warning Command and Control System (AWACS). To begin a program to modify four-to-five AWACS aircraft by fiscal year 2000, the committee recommends an increase of \$30.0 million in PE 63226E and \$30.0 million in PE 27417F. Since Aerostats are not as far along in the development cycle and require that DARPA's technologies undergo more significant modifications to be hosted on them, the committee recommends a measured risk reduction effort prior to a development program.</p> <p>The committee notes that the Department of Defense is considering upgrades to the E-2C aircraft in a manner similar to AWACS to support the Navy. Given the challenge associated with accommodating such a sensor on the E-2C, the committee directs the Secretary of Defense to provide Congress a report on the technical, engineering,</p>

CRUISE MISSILE DEFENSE (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
	<p><u>Report Language</u> <u>Page 191</u></p> <p>operational, and programmatic issues associated with this effort. The report should include an analysis of alternative solutions based on the same criteria used to evaluate the E-2C. The report should recommend a solution that has an acceptable degree of risk in terms of cost, schedule, and performance. The report should be provided to Congress not later than March 1, 1997.</p> <p>The committee also urges DARPA, in collaboration with the Air Force, to evaluate innovative airborne sensor platforms that could offer significant gains in power-aperture at airplane altitudes and speeds, including flying-wing designs.</p> <p>The second initiative supported by the committee would ensure that we have adequate fire control and identification once cruise missiles are detected. The committee believes that improvements to the Joint Surveillance Target Attack Radar System (JSTARS) are promising. These improvements will allow JSTARS to identify and track cruise missiles with sufficient accuracy to vector air-to-air and surface-to-air missiles, among other capabilities. The committee recommends an increase of \$40.0 million for this effort (\$20.0 million in PE 63226E and \$20.0 million in PE 64770F). This effort should produce four to five upgraded aircraft by fiscal year 2003. The additional funds should be equally divided between efforts to insert DARPA's sensor technology and efforts to add synthetic aperture radar technology for imaging and geolocation.</p> <p>The third initiative supported by the committee would ensure that our inventory of air-to-air and surface-to-air missiles are capable of intercepting cruise missiles. The committee recommends an increase of \$30.0 million (\$10.0 in PE 63746N, \$10.0 million in PE 63009A, and \$10.0 million in PE 27163F) to address this issue. The committee also recommends an increase of \$40.0 million in PE 23801A to complete the development of the Patriot anti-cruise missile program, which was started in fiscal year 1996.</p>

CRUISE MISSILE DEFENSE (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No language exists.

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H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

No language exists.

CRUISE MISSILE DEFENSE (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u> <u>Page 148-150</u></p> <p>The Committee expressed its concern about the inadequacy of Department of Defense cruise missile defense programs in fiscal year 1992, long before the topic became popular. The need for cruise missile defense is now more widely accepted. Department of Defense witnesses at the highest levels testified to the Committee again this year on the effectiveness of the continuing financial investment in cooperative engagement, about which Secretary Perry described as "the biggest breakthrough in warfare technology since stealth". The Department's growing concern is defense against land-attack cruise missiles and the ability of third world nations to quickly acquire them, apply stealth technologies to them, and deliver warheads of mass destruction. The Department is addressing the priority and focus of cruise missile defense programs, and proposing new initiatives such as the supposedly joint service aerostat acquisition program. In the absence of a joint service architecture, however, the Department is building a house without a blueprint.</p> <p>The Committee is concerned that each of the services and DARPA is moving out on its own unique "go it alone" plan rather than building systems which are optimized to meet the needs of theater commanders in joint service operations. For example, while the Office of the Secretary of Defense (OSD) touts the merits of DARPA-developed advanced sensors, the leadership of DARPA is actively curtailing the Agency's involvement in advanced sensor work supporting this program. The most pressing immediate issue requires resolution by OSD and the JCS Joint Requirements Oversight Council: whether cooperative engagement or the Joint Tactical Information Distribution Systems (JTIDS) will be the primary means of linking the individual service sensor and shooter systems together to provide theater commanders with integrated, seamless cruise missile defense.</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

CRUISE MISSILE DEFENSE (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)

Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)

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The Committee understands that JTIDS provides a limited capability for Army missiles and Air Force fighter aircraft to potentially acquire a small number of cruise missiles once detected by airborne sensors (such as E-2C, E-3A, or aerostats), but that JTIDS systems are overwhelmed by large size raids. Only the cooperative engagement system can meet mission requirements. CEC offers other advantages over JTIDS, such as reliable, realtime track of all friendly and enemy air targets. The Committee is very disappointed in the JROC's failure to resolve this long-standing technical issue, which in terms of its importance and joint-source nature is a core oversight requirement that is at the heart of the organization's purpose.

The Committee again directs the Secretary of Defense to develop a joint service cruise missile defense architecture for a capability that is fully integrated with theater ballistic missile defense for theater air defense missions. It should include broad area defense through a layered system consisting of an outer layer of fighter aircraft with air-to-air weapons, a mid-layer composed of existing surface-to-air missiles which can shoot over the horizon when supported by advanced airborne sensors, and an inner self- defense layer composed of surface-to-air weapons using organic ground based sensors. DoD must take advantage of the large investment in existing air defense systems and those under development by the Ballistic Missile Defense Organization.

To be robust against large numbers of cruise missiles, joint service land attack cruise missile defense capability must be able to take advantage of high quality sensor data and fire control/weapons information among multiple units to permit engagement decisions to be automated, in real time, across the entire joint force. Effective networking of airborne and surface sensors is essential to provide fire control quality data to the shooter and continuously track all aircraft and missiles to allow identification based on point of origin, target and flight parameters, and identification sensor requirements. Of key importance, as threat enemy cruise missiles move into the low observable regime, measurements from many sensors will

CRUISE MISSILE DEFENSE (CONT)

**House FY97 DOD Appropriations Bill
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be necessary just to maintain continuous track of a target. In order to achieve this level of performance, the joint service network must be able to exchange large quantities of sensor data in jamming environments with extremely high reliability and with very low latency. Only the cooperative engagement system has demonstrated an ability to meet these multiple demanding requirements.

The Committee directs the Secretary of Defense to submit a detailed joint service cruise missile defense master plan addressing these concerns to the congressional defense committees concurrent with submission of the fiscal year 1998 President's Budget. The Committee further directs the Chairman of the Joint Chiefs of Staff to include in this plan a detailed description of the joint service cruise missile defense architecture and specifically how the CEC/JTIDS issue has been resolved. The master plan should identify every cruise missile defense program for which funding is sought in fiscal year 1998, and include a classified appendix if necessary. The Department should minimize expenditures for acquisition of new start upgrades to existing systems (such as E-2C or E-3A) or initiation of new systems until a comprehensive architecture has been developed and a master plan submitted to the Congress.

CRUISE MISSILE DEFENSE (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists.

COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	
House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u> <u>Page 164</u></p> <p>Cooperative engagement capability</p> <p>The budget request included \$164.5 million in PE 63755N to continue development of the cooperative engagement capability (CEC), focusing on the development of shipboard and airborne cooperative engagement systems (CES), initial operational test and evaluation of shipboard CES, and development of organic integrated logistic support for the CES. The committee recognizes the CEC as a top priority program for the Navy and for the Department of Defense. The committee notes the superb results of the Mountain Top experiment and demonstration of the ability of CEC to provide a common tactical engagement picture to ground, sea, and air systems. The committee urges the continued acceleration and expansion of joint service integration efforts, including application to the Airborne Warning and Control Systems (AWACS) aircraft Patriot and Theater High Altitude Air Defense (THAAD) missile systems; Marine Corps TPS-59 radar and HAWK missile system; and among other efforts planned by the Navy. The committee recommends an increase of \$27.0 million for the CEC program.</p>	<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u> <u>Page 160</u></p> <p>Cooperative engagement capability</p> <p>The budget request contained \$164.5 million in PE 63755N and \$9.9 million in PE 24152N for continued development of the Navy's cooperative engagement capability (CEC).</p> <p>CEC is designed to enhance the warfighting capabilities of ships and aircraft by combining the data derived from various sensors into a single common representation that is available with the same positional accuracy to all participating ships. The Navy reports that a challenging cruise missile defense exercise, which relied heavily on CEC position information, was held earlier this year in Hawaii. The exercise involved over-the-horizon detection, tracking, and engagement of a variety of difficult targets. The Navy currently projects that initial operational capability of the system will be achieved by September 1996. During testimony at this year's defense posture hearing, the Secretary of Defense singled out CEC as a program of high priority that he chose to accelerate because of its great potential for linking units from more than one service together and greatly increasing their warfighting ability.</p> <p>Despite relatively robust funding for CEC in this year's budget request, it contains no funding to pursue joint service integration efforts that were begun last year. Successful consummation of these efforts, in consonance with the Navy's baseline program, could greatly leverage the capability of the services to conduct joint operations and provide ballistic missile defense. Another area not addressed by the budget request, an issue raised in committee hearings this year, is reported interference between CEC and other data links currently in use in the fleet.</p>

COOPERATIVE ENGAGEMENT CAPABILITY (CEC) (CONT)

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

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The committee recommends an increase of \$63.0 million above the budget request for CEC in PE 63755N to permit continued pursuit of a number of promising efforts, including CEC integration with AWACS and national sensors, and to accelerate development of an airborne capability for the system. Of this amount, \$8.0 million would be available to address the issue of CEC interference with other fleet data links, particularly the link installed on the SH-60B. The committee also directs that the Secretary of the Navy prepare a detailed report, for submission no later than March 15, 1997, on issues that surfaced during committee hearings this year:

(1) progress made in resolving the issue of spectrum interference as a result of the reallocation under title VI of the Omnibus Reconciliation Act of 1993 of the spectrum in which CEC operates; and

(2) steps that the Secretary has taken to address and resolve harmful interference between CEC and other fleet weapons systems and data links.

COOPERATIVE ENGAGEMENT CAPABILITY (CEC) (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
	<p><u>Report Language</u> <u>Page 612-613</u></p> <p>Cooperative engagement capability</p> <p>The budget request included \$164.5 million in PE 63755N and \$9.9 million in PE 24152N for continued development of the Navy's cooperative engagement capability (CEC). Funding provided by the budget request would focus on the development of shipboard and airborne cooperative engagement systems (CES), initial operational test and evaluation of shipboard CES, and development of organic integrated logistic support for the CES.</p> <p>CEC is designed to enhance the warfighting capabilities of ships and aircraft by combining the data derived from various sensors into a single common representation that is available with the same positional accuracy to all participating ships. The Navy reports that a challenging cruise missile defense exercise, Mountain Top, which relied heavily on CEC position information, was held earlier this year in Hawaii. The exercise involved over-the-horizon detection, tracking, and engagement of a variety of difficult targets. The Navy currently projects that initial operational capability of the system will be achieved by September 1996. During testimony at this year's defense posture hearing, the Secretary of Defense singled out CEC as a program of high priority that he chose to accelerate because of its great potential for linking units from more than one service together and greatly increasing their warfighting ability.</p> <p>Despite relatively robust funding for CEC in this year's budget request, it contains no funding to pursue joint service integration efforts that were begun last year. Successful consummation of these efforts, in consonance with the Navy's baseline program, could greatly leverage the capability of the services to conduct joint operations and provide ballistic missile defense. Another area not addressed by the budget request, an issue raised in committee hearings this year, is reported interference between CEC and other data links currently in use in the fleet.</p>

COOPERATIVE ENGAGEMENT CAPABILITY (CEC) (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u></p>	<p><u>Report Language</u> <u>Page 612-613</u></p> <p>The House bill would authorize an increase of \$27.0 million in PE 63755N for the CEC program and urge the continued acceleration and expansion of joint service integration efforts, including application to the Airborne Warning and Control Systems (AWACS) aircraft, Patriot and Theater High Altitude Area Defense (THAAD) missile systems, Marine Corps TPS-59 radar and the HAWK missile system.</p> <p>The Senate amendment would authorize an increase of \$63.0 million above the budget request for CEC in PE 63755N to permit continued pursuit of a number of promising efforts, including CEC integration with AWACS and national sensors, to accelerate development of an airborne capability for the system, and to address the issue of CEC interference with other fleet data links, particularly the link installed on the SH-60B.</p> <p>The conferees agree to an increase of \$35.0 million in PE 53755N for the CEC program and urge the continued acceleration and expansion of joint service integration efforts, including application to AWACS aircraft, Patriot and THAAD missile systems, Marine Corps TPS-59 radar and the HAWK missile system. The conferees also direct the Secretary of the Navy to prepare a detailed report, for submission no later than March 15, 1997, on:</p> <ol style="list-style-type: none"> (1) progress made in resolving the issue of spectrum interference as a result of the reallocation under title VI of the Omnibus Reconciliation Act of 1993 of the spectrum in which CEC operates; and (2) steps that the Secretary has taken to address and resolve harmful interference between CEC and other fleet weapons systems and data links.

COOPERATIVE ENGAGEMENT CAPABILITY (CEC)(CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)

Bill Language

No language exists.

Report Language

Page 166

The Navy requested \$216,486,000 for ship self-defense. The Committee recommends \$290,486,000, an increase of \$74,000,000. **Of this amount, an additional \$70,000,000 is only for cooperative engagement**, of which \$55,000,000 was identified by the Navy as a shortfall and \$15,000,000 is only for the acceleration of miniaturization efforts. An additional \$4,000,000 is only to continue multi-sensor fusion. Concerning the latter, \$2,000,000 is only to modify the AN/UPX-36 and demonstrate the improved system in a live cooperative engagement combat environment and \$2,000,000 is only to adapt the AN/UPX-36 ship self defense system for LSD-48 and other ships through integration of the non-cooperative target recognition within the AN/UPX-36 CIFF system.

Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)

Bill Language

No language exists.

Report Language

No language exists.

COOPERATIVE ENGAGEMENT CAPABILITY (CEC) (CONT)	
FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)	FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)
<u>Statutory Language</u> No language exists.	<u>Report Language</u> No language exists.

STANDARD MISSILE

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Bill Language

No House bill language exists.

Report Language

Page 175

Standard missile "Terrier" target

The budget request included \$1.6 million in PE 64366N for development of improvements to the Standard missile. The committee notes that the Navy's inventory of supersonic sea-skimming targets (SSST) is insufficient to meet both test and evaluation and fleet training needs. Development of a follow-on SSST is necessary to ensure production units are available when needed. Accordingly, the committee recommends an increase to the budget request of \$8.0 million for a proof of concept demonstration and evaluation of the potential effectiveness of the Terrier missile as an SSST.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language

No House bill language exists.

Report Language

Page 64

Standard missile procurement

The committee has learned that additional procurement funding for the Navy's Standard missile would resolve valid Navy inventory requirements, produce production efficiencies that would lower missile unit cost, and increase overall stability in the program. The program has been subject to considerable disruption by reprogramming of its fiscal year 1996 funds.

The committee recommends an increase of \$40.0 million above the budget request for the procurement of additional SM2 Block IV missiles to help rationalize the Standard missile production base and support ballistic missile defense development options.

STANDARD MISSILE (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u></p> <p>No language exists.</p>	<p><u>Report Language</u> <u>Page 508</u></p> <p>Standard missile procurement</p> <p>The budget request included \$197.5 million for the procurement of Standard missiles for the Navy.</p> <p>The Senate amendment would authorize an increase of \$40.0 million above the budget request for the procurement of additional SM2 Block IV missiles to help stabilize the production base for the Block IV variant and to support ballistic missile defense development options.</p> <p>The House bill would authorize the requested amount.</p> <p>The House recedes.</p> <p><u>Page 620</u></p> <p>Standard missile "Terrier" target</p> <p>The budget request included \$1.6 million in PE 64366N for development of improvements to the Standard missile.</p> <p>The House bill would authorize an additional \$8.0 million for a proof of concept demonstration and evaluation of the potential effectiveness of the Terrier missile as a supersonic sea-skimming target (SSST).</p> <p>The Senate amendment would authorize this initiative in PE 63795N.</p> <p>The Senate recedes.</p> <p>The conferees note that the Navy's inventory of SSSTs is insufficient to meet both test and evaluation and fleet training needs and believe that the Navy must seriously address the development and procurement of a follow-on SSST to ensure that production units are available when needed.</p>

STANDARD MISSILE (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

Bill Language

No language exists.

Report Language

No language exists.

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

Bill Language

No language exists.

Report Language

No language exists.

STANDARD MISSILE (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists.

SHIP SELF-DEFENSE

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

Bill Language

No language exists.

Report Language

No language exists.

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Bill Language

No language exists.

Report Language

No language exists.

SHIP SELF-DEFENSE (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

No language exists

SHIP SELF-DEFENSE (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No House bill language exists.</p> <p><u>Report Language</u></p> <p><u>Page 106</u></p> <p>The Committee recommends \$54,000,000 to install self-defense systems in ships during their construction, which will accelerate fielding of anti-ship cruise missile defense capability to the fleet years earlier than the current plan. The increase includes \$29,000,000 to install cooperative engagement and the advanced combat direction system in LHD-7, \$19,000,000 to install cooperative engagement in CVN-76, and \$6,000,000 to install a rolling airframe missile launcher in LSD-52.</p> <p><u>Page 112</u></p> <p>The Navy requested \$21,049,000 for the Ship Self-Defense System program. The Committee recommends \$19,649,000, a decrease of \$1,400,000 from the budget request. The reduction is based on savings from the execution of a fiscal year 1996 contract for the MK/Ship Self-Defense Systems subprogram.</p> <p><u>Page 166</u></p> <p>The Navy requested \$216,486,000 for ship self-defense. The Committee recommends \$290,486,000, an increase of \$74,000,000. Of this amount, an additional \$70,000,000 is only for cooperative engagement, of which</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

SHIP SELF-DEFENSE (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)

Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)

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\$55,000,000 was identified by the Navy as a shortfall and \$15,000,000 is only for the acceleration of miniaturization efforts. An additional \$4,000,000 is only to continue multi-sensor fusion. Concerning the latter, \$2,000,000 is only to modify the AN/UPX-36 and demonstrate the improved system in a live cooperative engagement combat environment and \$2,000,000 is only to adapt the AN/UPX-36 ship self defense system for LSD-48 and other ships through integration of the non-cooperative target recognition within the AN/UPX-36 CIFF system.

Page 169

The Navy requested \$134,677,000 for ship self-defense. The Committee recommends \$171,677,000, an increase of \$37,000,000. The increase is only for the following purposes: \$8,000,000 for the Enhanced Sea Sparrow missile; \$8,000,000 for infrared search and track; \$9,000,000 for the quick combat reaction capability; \$8,000,000 for development of the SPQ-9B radar; and \$4,000,000 for the NULKA decoy. The additional funds for infrared search and track, along with the amount requested in the fiscal year 1997 budget and the amounts appropriated in prior fiscal years, are only to develop, deliver, and test an IRST demonstration model in fiscal year 1998. The Committee directs that funds elsewhere in this account for SC-21 may not be obligated at a faster rate than funds provided here for infrared search and track.

SHIP SELF-DEFENSE (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists.

SUPPORT TECHNOLOGIES

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u> <u>Page 116</u></p> <p>Advanced interceptor technology</p> <p>The budget request included \$7.4 million in PE 63173C for Advanced Interceptor Technology (AIT). The committee recommends an additional \$40.0 million in this PE for AIT. These additional funds would support a more aggressive schedule for development and testing of advanced kinetic kill vehicle technologies with potential applicability to various future TMD systems, such as THAAD and Boost Phase Interceptor.</p> <p><u>Page 117-118</u></p> <p>The budget request included \$5.8 million for Joint National Test Facility (JNTF) modernization split among program elements 63871C, 63872C, and 63173C. The committee recognizes the importance of the BMDO-sponsored JNTF as an essential joint missile defense modeling, simulation, and test center of excellence. The JNTF's focus is the joint inter-service, interoperability, and integration aspects of missile defense system acquisition. As the only missile defense modeling and simulation facility which is staffed by all the services and BMDO, the JNTF provides inter-service computational capabilities and wide area network communication networks with service-sponsored facilities such as the Army's Advanced Research Center, the Naval Surface Warfare Center, and the Air Force Theater Air Command and</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u> <u>Page 194</u></p> <p>High performance computing modernization</p> <p>The committee recommends an increase of \$25.0 million in PE 63755D to sustain the operations of supercomputing centers which were purchased with DOD funds and which can play an integral role in helping the Department meet its supercomputing capability and capacity requirements. The Air Force Phillips Laboratory and Air Force Space Command rely on one such center to provide image processing and simulation capabilities. Another such center provides key support to the Ballistic Missile Defense Organization and the Navy.</p>

SUPPORT TECHNOLOGIES (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Report Language Page 116

Control Facility. To adequately satisfy the complex missile defense integration requirements leading to successful joint tests, analysis, wargaming, CINC exercises, and acquisition support, the committee recommends \$15.0 million be made available for modernization, computational and wide area network capabilities in support of the Ballistic Missile Defense Network (BMDN) within the program elements listed above. This modernization program will also support the JNTF's contribution to emerging international efforts with friends and allies for interoperability and in development of joint missile defense systems.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Report Language Page 197-198

Support technology

The budget request for BMDO's support technology programs (PE 62173C/63173C) was \$226.3 million. The committee notes that the Director of BMDO has testified repeatedly in recent years regarding the shortfall in BMDO's advanced technology investment. The committee supports the Director's desire to increase the level of investment in advanced BMD technology and, therefore, recommends a net increase of \$150.0 million for support technology.

The committee supports BMDO's efforts in the area of wide bandgap electronics that are funded in the Innovative Science and Technology program (project 1651). The committee recommends an increase of \$10.0 million in PE 62173C to facilitate a wide bandgap electronics program specifically targeting gallium nitride and silicon carbide as the major semiconductor technologies to be developed. The program should be affiliated with an academic institution involving a research and development facility for material growth, material characterization (including material surface behavior), and wide bandgap semiconductor device development.

In testimony before the committee this year, the Director of BMDO specified several basic technology projects that require additional funding. Based on BMDO's stated priorities, the committee recommends an increase of \$30.0 million in PE 63173C for advanced radar transmit/receive modules, advanced interceptor satellite communications, and advanced image processing.

Although the committee recommended the termination of BMDO's kinetic boost-phase intercept (BPI) program in fiscal year 1996, the committee continues to strongly support BMDO's development of the Atmospheric Interceptor Technology (AIT) program. The AIT program is designed to develop advanced kill vehicle technologies for future hypersonic hit-to-kill interceptors, and for applications as

SUPPORT TECHNOLOGIES (CONT)

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

**Report Language
Page 197-198**

potential product improvements to a wide range of TMD programs, including THAAD, Navy Upper Tier, Patriot PAC-3, and Corps SAM. The budget request includes only \$7.4 million for the AIT program as part of the Applied Interceptor Materials and Systems Technology program (project 1270). This level of funding is inadequate to support any significant degree of progress. Therefore, the committee recommends an increase of \$40.0 million in PE 63173C to support the AIT program.

The committee continues to support development of the Space-Based Laser (SBL) program. SBL offers the potential for a high leverage system to deal with ballistic missiles of virtually all ranges. The SBL appears to be by far the most effective boost-phase intercept system being developed by the Department of Defense. In testimony before the committee on March 25, 1996, the Director of BMDO characterized SBL as "the next real quantum jump" in active BMD development. Given the importance of this program and its high potential payoff, the committee is disappointed that the budget request contained only \$30.0 million for SBL. The committee recommends an increase of \$70.0 million in PE 63173C to continue the SBL effort. The committee believes that the Air Force should begin to take a much more active role in developing the SBL program. Specifically, the committee believes that the Air Force Space and Missile Systems Center should play a key role in designing a demonstrator spacecraft and providing detailed cost estimates for completion of such a demonstration program.

SUPPORT TECHNOLOGIES (CONT)	
	Senate FY97 DOD Authorization SENATE FLOOR AMENDMENT (6/25/96)
	<p><u>DOMENICI AMENDMENT</u></p> <p>At the end of subtitle C of title II add the following:</p> <p>SEC. 237. SPACE LAUNCH TECHNOLOGY PROGRAM.</p> <p>Of the amount authorized to be appropriated under section 201(4) for the Ballistic Missile Defense Organization for Support Technologies/Follow-On Technologies (PE 63173C), up to \$7,500,000 is available for the Scorpius space launch technology program.</p>

SUPPORT TECHNOLOGIES (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u></p> <p>No language exists.</p>	<p><u>Report Language</u> <u>Page 656</u></p> <p>SUPPORT TECHNOLOGY</p> <p>The budget request for BMDO's support technology programs (PE 62173C/63173C) was \$226.3 million. The conferees agree to authorize a net increase of \$147.5 million for support technology.</p> <p>The conferees support BMDO's efforts in the area of wide bandgap electronics that are funded in the Innovative Science and Technology program (project 1651). The conferees agree to authorize an increase of \$10.0 million in PE 62173C to facilitate a wide bandgap electronics program specifically targeting gallium nitride and silicon carbide as the major semiconductor technologies to be developed. The program should be affiliated with an academic institution involving a research and development facility for material growth, material characterization (including material surface behavior), and wide bandgap semiconductor device development.</p> <p>The conferees recommend an increase of \$20.0 million in PE 63173C for United States-Russian cooperative BMD programs and activities, as specified in the House report (H. Rep. 104-563).</p> <p>The conferees recommend an increase of \$7.5 million in PE 63173C for the Scorpius space launch technology demonstration program.</p> <p>The conferees strongly support BMDO's development of the Atmospheric Interceptor Technology (AIT) program and recommend an increase of \$40.0 million in PE 63173C for the AIT program.</p> <p>The conferees continue to support development of the Space-Based Laser (SBL) program. SBL offers the potential for a high leverage system to deal with ballistic missiles of virtually all ranges. The conferees agree to authorize an increase of \$70.0 million in PE 63173C to continue the SBL effort. The conferees believe that the Air Force should begin to take a much more active role in developing the SBL program. Specifically, the committee believes that the Air Force Space and Missile Systems Center should play a key role in designing a demonstrator spacecraft and providing detailed cost estimates for completion of such a demonstration program.</p>

SUPPORT TECHNOLOGIES (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

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JOINT NATIONAL TEST FACILITY

The budget request included \$5.8 million for Joint National Test Facility (JNTF) modernization, split among program elements 63871C, 63872C, and 63173C. To adequately satisfy the complex missile defense integration requirements leading to successful joint tests, analysis, war gaming, CINC exercises, and acquisition support, the conferees recommend \$15.0 million be made available for modernization, computational and wide area network capabilities in support of the Ballistic Missile Defense Network (BMDN) from within the program elements listed above.

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Scorpius space launch technology program

The Senate amendment contained a provision (sec. 235) that would provide for the use of up to \$7.5 million of funds authorized for the Ballistic Missile Defense Organization for the Scorpius space launch technology program.

The House bill contained no similar provision.

The Senate recedes.

SUPPORT TECHNOLOGIES (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u> <u>Page 188</u></p> <p style="text-align: center;">RAMOS</p> <p>The Committee recognizes that the Russian-American Observational Satellite (RAMOS) program offers significant benefits. The Committee urges continued funding of this successful cooperative effort between Russia and the United States.</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u> <u>Page 131</u></p> <p>Support technologies/follow-on technologies--applied research and advanced technology development.--The Committee recommendation for these two program elements includes an increase of \$150,000,000. The Committee supports the efforts of the Director of BMDO to remedy the underfunding of BMDO's advanced technology issues. The Committee urges BMDO to achieve the dedication of approximately 12 percent of its funds to advanced technology efforts.</p> <p>The Committee has included \$10,000,000 for a wide bandgap electronics program in the applied research program element. This program will target development of gallium nitride and silicon carbide as semiconductors and will be affiliated with an academic institution, as described in the Senate reported DOD authorization bill.</p> <p>Of the additional advanced technology development funds, an increase of \$40,000,000 is recommended to continue the Atmospheric Interceptor Technology [AIT] Program, providing a total of \$47,442,000. AIT is designed to develop and flight test the advanced kill vehicle lightweight technologies necessary for future hypersonic hit-to-kill interceptors, and to provide technology insertion, preplanned product improvement [P/3/I] and reduced life cycle costs for BMDO core programs. The Committee recommended increase also includes \$20,000,000 only to continue efforts under the Russian-American Observational Satellite [RAMOS] Program.</p> <p>Finally, the remaining additional funds are provided to address priority shortfalls in advanced technology as well as key investment opportunities. A number of investment opportunities were highlighted by the Director of BMDO during testimony before the Committee. The Committee believes the following activities</p>

SUPPORT TECHNOLOGIES (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

Report Language

Page 131

should be considered when allocating the additional increase amount: sensor and seeker component programs; interceptor component programs; photon laser spacecraft; directed energy concepts; phenomenological research; space-based laser [SBL] program; and battle management and command, control, and communications [BMC/3/] components.

Sensors (active and passive).--The Committee understands that the midcourse space experiment [MSX] may provide valuable data for use in designing theater and national missile defense systems. The Committee strongly urges BMDO to fully fund the operation of MSX, including data analysis efforts, during fiscal year 1997.

SUPPORT TECHNOLOGIES (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

See Ballistic Missile Defense funding.

COOPERATIVE PROJECTS WITH RUSSIA

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Bill Language

No language exists.

Report Language

Page 116

Cooperative projects with Russia

The committee strongly endorses an expanded program of cooperative BMD-related projects with Russia as a means of building trust and confidence as both sides pursue development and deployment of TMD and NMD systems. U.S.- Russian cooperative BMD activities include various programmatic endeavors as well as a series of joint TMD simulation exercises, the first of which is to be held in June at the Joint National Test Facility, Colorado Springs, Colorado. The Russian-American Observational Satellite (RAMOS) program is one such high-payoff, cooperative technology development program, a point recognized by senior Office of the Secretary of Defense (OSD) officials. For example, the Under Secretary of Defense for Acquisition and Technology has written to the First Deputy Minister of Defense in the Russian Ministry of Defense to apprise him of U.S. government approval and support of the program and to encourage timely final approval from the Russian government. Other U.S.-Russian cooperative BMD activities include the Active Geophysical Rocket Experiment (AGRE) project, and small-scale projects such as electric thrusters for spacecraft, photo-voltaic arrays, and energetic materials. To promote and highlight expanded U.S.-Russian BMD cooperation, the committee recommends establishment of a new program element (PE) for cooperation with Russia. The committee recommends consolidating all existing cooperation projects within this new PE, and recommends \$20.0 million be made available within this PE.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language

No language exists.

Report Language

No language exists.

COOPERATIVE PROJECTS WITH RUSSIA (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

See support technologies authorization conference language.

COOPERATIVE PROJECTS WITH RUSSIA (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u> <u>Page 188</u></p> <p style="text-align: center;">RAMOS</p> <p>The Committee recognizes that the Russian-American Observational Satellite (RAMOS) program offers significant benefits. The Committee urges continued funding of this successful cooperative effort between Russia and the United States.</p>	<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u> <u>Page 131</u></p> <p>The Committee recommended increase also includes \$20,000,000 only to continue efforts under the Russian-American Observational Satellite [RAMOS] Program.</p>

COOPERATIVE PROJECTS WITH RUSSIA (CONT)	
FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)	FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)
<u>Statutory Language</u> No language exists.	<u>Report Language</u> No language exists.

NEW DIRECTOR BMDO

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u> <u>Page 119</u></p> <p>New director, BMDO</p> <p>The committee was initially concerned by reports that, upon the retirement of the current Director, BMDO, the Department was planning to downgrade this position to a two-star billet. The committee is pleased to note that members of the committee expressed concern and strongly urged that the position remain a three-star billet. The Department has now agreed with the committee's recommendation. The committee looks forward to establishing a frank and open dialogue with the next BMDO Director, and expects that this individual will continue and expand upon the current, positive working relationship between the committee and the Director.</p>	<p><u>Report Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No report language exists.</p>

NEW DIRECTOR BMDO (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

No language exists.

NEW DIRECTOR BMDO (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>	<p><u>Report Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

NEW DIRECTOR BMDO (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists.

BMDO TARGET MISSILE REQUIREMENTS

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u> <u>Page 120</u></p> <p>Targets</p> <p>The committee directs the Director, BMDO to submit a report to the Congressional defense committees by December 1, 1996, describing BMDO target missile requirements, by number and types, and which target missiles are U.S.-built and which have been or will be acquired through the Foreign Military Acquisition (FMA) program. The report shall also discuss the issues associated with increasing reliance on missiles acquired through the FMA program for meeting BMDO target missile requirements.</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

BMDO TARGET MISSILE REQUIREMENTS (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

No language exists.

BMDO TARGET MISSILE REQUIREMENTS (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

BMDO TARGET MISSILE REQUIREMENTS (CONT)	
FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)	FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)
<u>Statutory Language</u> No language exists.	<u>Report Language</u> No language exists.

ANNUAL REPORT REVISIONS

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u> <u>Page 54-55</u></p> <p><i>SEC. 236. REVISION TO ANNUAL REPORT ON BALLISTIC MISSILE DEFENSE PROGRAM.</i></p> <p><i>Section 224(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note) is amended--</i></p> <p><i>(1) by striking out paragraphs (3), (4), and (10);</i></p> <p><i>(2) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively;</i></p> <p><i>(3) by redesignating paragraph (7) as paragraph (5) and in that paragraph by striking out "of the Soviet Union" and "for the Soviet Union";</i></p> <p><i>(4) by redesignating paragraph (8) as paragraph (6); and</i></p> <p><i>(5) by redesignating paragraph (9) as paragraph (7) and in that paragraph--</i></p> <p><i>(A) by striking out "of the Soviet Union" in subparagraph (A);</i></p> <p><i>(B) by striking out subparagraphs (C) through (F); and</i></p> <p><i>(C) by redesignating subparagraph (G) as subparagraph (C).</i></p>	<p><u>Bill Language</u> <u>Page 50</u></p> <p><i>SEC. 235. ELIMINATION OF REQUIREMENTS FOR CERTAIN ITEMS TO BE INCLUDED IN THE ANNUAL REPORT ON THE BALLISTIC MISSILE DEFENSE PROGRAM.</i></p> <p><i>Section 224(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note), is amended--</i></p> <p><i>(1) by striking out paragraphs (3), (4), (7), (9), and (10); and</i></p> <p><i>(2) by redesignating paragraphs (5), (6), and (8), as paragraphs (3), (4), and (5), respectively.</i></p>

ANNUAL REPORT REVISIONS (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Report Language
Page 223

Section 236--Revision to Annual Report on the Ballistic Missile Defense Program

Section 224(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189) established a reporting requirement for the Strategic Defense Initiative program. With the changed focus of the program, several of the reporting requirements are no longer valid. This provision would update the requirement for the annual ballistic missile defense report to Congress.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Report Language
Page 128

Section 235. Elimination of requirements for certain items to be included in the annual report on the ballistic missile defense program.

Section 224(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 established a reporting requirement for the Strategic Defense Initiative. With the changed focus of this program, several of the reporting requirements are no longer valid. Therefore, the committee recommends a provision that would update the requirement for the annual ballistic missile defense report to Congress.

ANNUAL REPORT REVISIONS (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u> <u>Page 44</u></p> <p><i>SEC. 244. REVISION TO ANNUAL REPORT ON BALLISTIC MISSILE DEFENSE PROGRAM.</i></p> <p><i>Section 224(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note) is amended--</i></p> <p><i>(1) by striking out paragraphs (3), (4), and (10);</i></p> <p><i>(2) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively;</i></p> <p><i>(3) by redesignating paragraph (7) as paragraph (5) and in that paragraph by striking out "of the Soviet Union" and "for the Soviet Union";</i></p> <p><i>(4) by redesignating paragraph (8) as paragraph (6); and</i></p> <p><i>(5) by redesignating paragraph (9) as paragraph (7) and in that paragraph--</i></p> <p><i>(A) by striking out "of the Soviet Union" in subparagraph (A);</i></p> <p><i>(B) by striking out subparagraphs (C) through (F); and</i></p> <p><i>(C) by redesignating subparagraph (G) as subparagraph (C).</i></p>	<p><u>Report Language</u> <u>Page 678</u></p> <p>Revision to annual report on ballistic missile defense and proliferation (sec. 244)</p> <p>The House bill contained a provision (sec. 236) that would update the requirement for the annual ballistic missile defense report to Congress.</p> <p>The Senate amendment contained a similar provision.</p> <p>The Senate recedes.</p>

ANNUAL REPORT REVISIONS (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96))

Bill Language

No bill language exists.

Report Language

No language exists.

Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)

Bill Language

No bill language exists.

Report Language

No language exists.

ANNUAL REPORT REVISIONS (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists.

FREE ELECTRON LASER

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Bill Language

No language exists.

Report Language

Page 166

Free electron laser

The budget for fiscal year 1996 included \$8.5 million in PE 62111N to continue design, fabrication, and activation of a one kilowatt average power free electron laser operating in the infrared spectrum for evaluation for ship defense. The committee recommends \$9.0 million for fiscal year 1997 to continue this effort.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language

No language exists.

Report Language

Page 152

Continuous wave superconducting radio frequency free electron laser

The committee recommends an increase of \$9.0 million in PE 62111N for the continuation of the continuous wave superconducting radio frequency free electron laser program within the Office of the Secretary of the Navy. The committee understands that there will be significant cost sharing between the Commonwealth of Virginia and the private sector in this effort. The committee encourages the Department of Energy to build on the Navy project to meet the needs of material scientists in universities and industry.

FREE ELECTRON LASER (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

No language exists.

FREE ELECTRON LASER (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

FREE ELECTRON LASER (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists.

MINUTEMAN MISSILE

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Bill Language

No Language exists.

Report Language

Page 190

Minuteman safety enhanced reentry vehicle

The budget request included \$198.6 million in PE 64851F for intercontinental ballistic missile (ICBM) engineering and manufacturing development (EMD). The budget request did not include funds for the safety enhanced reentry vehicle (SERV) program, however.

The Minuteman guidance replacement program (GRP) currently preserves the option of incorporating the Mark-21 safety enhanced reentry vehicle on Minuteman III if Peacekeeper intercontinental ballistic missiles (ICBMs) are retired. However, no hardware or software prototyping has been accomplished to date for this purpose as part of GRP. In fact, integrating this effort with current design and development work in GRP would save money and provide greater confidence in the overall system design and performance. Therefore, the committee recommends an additional \$13.7 million in PE 64851F to perform hardware and software prototyping and testing associated with incorporation of the Mark-21 reentry vehicle on the Minuteman III ICBM. The committee directs the Secretary of the Air Force to submit a report to the committee not later than September 15, 1996, on the Air Force's plan to deploy the Mark 21 reentry vehicle on Minuteman and on the status of funding for this effort.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language

No Language exists.

Report Language

Page 183

The Minuteman guidance replacement program (GRP) currently preserves the option of incorporating the Mark-21 safety enhanced reentry vehicle on Minuteman III if Peacekeeper intercontinental ballistic missiles are retired. But no hardware or software prototyping has been accomplished to date for this purpose as part of the GRP. There are several reasons why this work should be performed now rather than in the future. Integrating this effort with current design and development work in GRP will save money and provide greater confidence in the system. Existing contracts could be used to perform all necessary tasks. This would preclude the cost and risk of reopening the guidance set after the GRP is concluded to make these changes. Given these factors, the committee recommends an increase of \$13.7 million in PE 64851F to perform hardware and software prototyping and testing associated with incorporation of the Mark-21 reentry vehicle on the Minuteman III system.

Page 210

Post-boost propulsion for strategic delivery systems

The Air Force is beginning the third year of research and development investment in its Minuteman post-boost system. This investment is necessary to ensure the continuing readiness and effectiveness of United States strategic ballistic missile

MINUTEMAN MISSILE (CONT)

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Page 210

forces. Both the Air Force and the Navy rely on the same down-sized corporate pool of specialists who have unique capabilities and qualifications derived from twenty-five years of direct experience with the data and tests to assure reliability and affordability. Under present and foreseeable circumstances, the committee endorses retention of a consolidated corporate pool and recommends that the Department of Defense continue to support the post-boost system infrastructure at budgeted or increased levels.

MINUTEMAN MISSILE (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

No language exists.

MINUTEMAN MISSILE (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

MINUTEMAN MISSILE (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists.

LABORATORY REVIEW OF MISSILE DEFENSE

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u> <u>Page 440</u></p> <p>Laboratory Review of Missile Defense</p> <p>Recognizing that the nuclear weapons laboratories have played an important role in the development of promising ballistic missile defense (BMD) concepts, the committee directs the directors of each of the nuclear weapons laboratories to review the expertise in BMD resident at their respective laboratory and to report to the Assistant Secretary of Energy for Defense Programs on how that expertise could be harnessed to strengthen the U.S. BMD program. In turn, the Assistant Secretary shall submit to the House National Security Committee and the Senate Armed Services Committee a report detailing options for providing greater laboratory involvement in BMD. The report shall be due not later than November 15, 1996.</p>	<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

LABORATORY REVIEW OF MISSILE DEFENSE (CONT)	
FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<u>Statutory Language</u> No language exists.	<u>Report Language</u> No language exists.

LABORATORY REVIEW OF MISSILE DEFENSE (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

LABORATORY REVIEW OF MISSILE DEFENSE (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists.

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCs)	
House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u></p> <p>No House bill language exists.</p>	<p><u>Bill Language</u> <u>Page 43-45</u></p> <p><i>SEC. 222. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS AND UNIVERSITY-AFFILIATED RESEARCH CENTERS.</i></p> <p><i>(a) Centers Covered.--Funds authorized to be appropriated for the Department of Defense for fiscal year 1997 under section 201 may be obligated to procure work from a federally funded research and development center (in this section referred to as an "FFRDC") or a university-affiliated research center (in this section referred to as a "UARC") only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.</i></p> <p><i>(b) Report on Allocations for Centers.--(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing—</i></p> <p><i>(A) the name of each FFRDC and UARC from which work is proposed to be procured for the Department of Defense for fiscal year 1997; and</i></p> <p><i>(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1997.</i></p> <p><i>(2) The total of the proposed funding levels set forth in the report for all FFRDCs and UARCs may not exceed the amount set forth in subsection (d).</i></p>

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCs) (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
	<p><u>Bill Language</u> <u>Page 43-45</u></p> <p><i>(c) Limitation Pending Submission of Report.--Not more than 15 percent of the funds authorized to be appropriated for the Department of Defense for fiscal year 1997 for FFRDCs and UARCs under section 201 may be obligated to procure work from an FFRDC or UARC until the Secretary of Defense submits the report required by subsection (b).</i></p> <p><i>(d) Funding.--Of the amounts authorized to be appropriated by section 201, not more than a total of \$1,668,850,000 may be obligated to procure services from the FFRDCs and UARCs named in the report required by subsection (b).</i></p> <p><i>(e) Authority To Waive Funding Limitation.--The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to an FFRDC or UARC. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies those committees of that determination and the reasons for the determination.</i></p>

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCs) (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Report Language Page 129-130

Federally funded research and development university affiliated research centers

The committee has provided significant attention to the management of federally funded research and development centers and university affiliated research centers (UARCs). Although the committee supports the Department's need for FFRDCs, the committee believes the FFRDCs should be assigned work consistent with Federal Acquisition Regulation guidelines. The committee commends the Department for its effort to meet the requirements for competition for research work to facilitate the acquisition and modernization process. The committee insists on appropriate management of the centers, but agrees not to burden the Department nor the centers with nonproductive management ceilings and unneeded detailed reporting. The Department is urged to recommend in its fiscal year 1998 legislative proposal more streamlined reporting procedures that increase productivity, reduce management burdens, and provide an assurance that work loads at the centers are essential, defensible and definable. The committee believes that the definition of "core" work for FFRDCs and UARCs may be subject to change as work demands by the Department change. Therefore, the committee directs that an unambiguous definitive identification of "core" work for each FFRDC and UARC be included as part of the Department's annual proposal. The committee directs that a UARC be defined as a university receiving more than \$5.0 million in sole source non-competitive contracts.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Report Language Page 125

Section 222. Federally funded research and development centers and university-affiliated research centers.

The committee has a continuing interest in the efforts by the Department of Defense to more effectively manage the work being conducted for the Department by the federally-funded Research and Development Centers (FFRDC's) and the University-affiliated Research Centers (UARC's). The committee recommends a provision that would impose a combined ceiling on the funding that may be provided to both categories of institutions in fiscal year 1997 at the same level as that imposed for fiscal year 1996. The committee directs that the Secretary of Defense allocate the ceiling between the two categories of institutions on the same basis as the allocation for fiscal year 1996. The committee continues to believe that a high priority should be placed on ensuring robust support for the work of the FFRDC's conducting studies and analyses in the portion of the funding ceiling allocated to the FFRDC's.

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCs) (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u> <u>Page 39-40</u></p> <p>SEC. 226. <i>FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.</i></p> <p>(a) <i>Centers Covered.--Funds authorized to be appropriated for the Department of Defense for fiscal year 1997 under section 201 may be obligated to procure work from a federally funded research and development center (in this section referred to as an "FFRDC") only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.</i></p> <p>(b) <i>Report on Allocations for Centers.--(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing—</i></p> <p>(A) <i>the name of each FFRDC from which work is proposed to be procured for the Department of Defense for fiscal year 1997;</i></p> <p>(B) <i>for each such center, the proposed funding level and the estimated personnel level for fiscal year 1997; and</i></p> <p>(C) <i>for each such center, an unambiguous definition of the unique core competencies required to be maintained for fiscal year 1997.</i></p> <p>(2) <i>The total of the proposed funding levels set forth in the report for all FFRDCs may not exceed the amount set forth in subsection (d).</i></p> <p>(c) <i>Limitation Pending Submission of Report.--Not more than 15 percent of the funds authorized to be appropriated for the Department of Defense for fiscal year 1997 for FFRDCs under section 201 may be obligated to procure work from an FFRDC until the Secretary of Defense submits the report required by subsection (b).</i></p>	<p><u>Report Language</u> <u>Page 673</u></p> <p>Federally-funded research and development centers (sec. 226)</p> <p>The Senate amendment contained a provision (sec. 222) that would impose a combined ceiling on the funding that may be provided to both federally-funded research and development centers (FFRDCs) and university-affiliated research centers (UARCs) fiscal year 1997 at the same level as that imposed for fiscal year 1996.</p> <p>The House bill contained no similar provision.</p> <p>The House recedes with an amendment that would remove the UARCs from the ceiling and would limit the statutory funding ceiling for FFRDCs at the level reflected in projected expenditures for studies and analyses FFRDCs in the fiscal year 1997 budget request. The conferees direct that funds expended by an FFRDC on recapitalization not be limited by the amount of the ceiling allocated to that FFRDC by the Department of Defense. The conferees direct that management of the FFRDCs be undertaken consistent with the direction in the House report (104-563) and Senate report (104-267).</p> <p>The conferees note the continued importance of maintaining within the FFRDC community an international trade and technology support capability as described in the Senate report (104-112) to accompany the National Defense Authorization Act for Fiscal Year 1996. The conferees urge the Under Secretary of Defense for Acquisition and Technology to ensure that this capability is continued at an appropriate FFRDC and that sufficient funding be allocated to maintain it at a robust level of effort.</p>

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCs) (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

Page 39-40

(d) Funding.--(1) Subject to paragraph (2), of the amounts authorized to be appropriated by section 201, not more than a total of \$1,214,650,000 may be obligated to procure services from the FFRDCs named in the report required by subsection (b). (2) The limitation in paragraph (1) does not apply to funds obligated for the procurement of equipment for FFRDCs.

(e) Authority To Waive Funding Limitation.--The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to an FFRDC. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies those committees of that determination and the reasons for the determination..

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCs) (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)

Report Language Page 55

Sec. 8035. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense Federally Funded Research and Development Center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) Limitation on Compensation.--No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1997 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)

Bill Language Page 85

Sec. 8093. (a) Notwithstanding any other provision of law, of the amounts available to the Department of Defense (department) during fiscal year 1997, not more than \$1,162,650,000 may be obligated for financing activities of defense federally funded research and development centers (FFRDCs): Provided, That of the specific amount referred to previously in this subsection, not more than \$206,650,000 may be obligated for financing activities of the defense studies and analysis FFRDCs: Provided further, That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by \$52,286,000 to reflect the overall funding ceiling contained in this subsection.

(b) Within 60 days after enactment of this Act, the Secretary of Defense shall submit to the Congressional defense committees a report presenting the specific amounts--in dollars and staff years of technical effort--to be allocated by the department for each defense FFRDC during fiscal year 1997.

(c) The Secretary of Defense shall, with the submission of the department's fiscal year 1998 budget request, submit a report presenting the specific amounts--in dollars and staff years of technical effort--to be allocated for each defense FFRDC during that fiscal year.

(d) The Secretary of Defense may, pursuant to the general transfer authority granted in Section 8005 of this Act, provide additional funds to a defense FFRDC: Provided, That any such transfer, irrespective of amount, shall be subject to a Form DD-1415 reprogramming action request.

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCs) (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

Report Language

No language exists.

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

**Report Language
Page 99-100**

DEFENSE FEDERALLY FUNDED RESEARCH AND DEVELOPMENT
CENTERS

The Committee recognizes the efforts the Department of Defense has made to better manage the 11 federally funded research and development centers [FFRDC's] sponsored by the armed services and the Office of the Secretary of Defense [OSD].

Nevertheless, the Committee observes that OSD's reliance on the FFRDC sponsors to define what are the core activities to which each FFRDC should be limited has yielded overly broad mission statements and core competencies.

The Committee also is aware of a decision by the Department during the current fiscal year to protect funding for the studies and analysis FFRDC's at the expense of funding for one of the laboratory FFRDC's engaged in high- priority, classified activities. The Committee strongly urges the Department to reevaluate its FFRDC allocation priorities.

Furthermore, the Committee is concerned that the Department's new 5-year plan for FFRDC's forecasts growth for the studies and analysis centers. The Committee recognizes the usefulness of obtaining a certain level of FFRDC analytical support. However, it questions the wisdom of buying more paper studies when so many real war-fighting requirements are underfunded. To address its concerns, the Committee recommends a general provision governing the amount of funds which are allocated to the defense FFRDC's. The provision limits the fiscal year 1997 funds for FFRDC's to the total amount provided in fiscal year 1996, constrains the studies and analysis FFRDC's to their fiscal year 1996 funding level, and deletes the increase in overall FFRDC funding requested for fiscal year 1997. The recommended provision permits the Secretary of Defense to increase the funds allocated to an FFRDC subject to the

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCs) (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

**Report Language
Page 99-100**

disposition by the congressional defense committees, in each case, of a prior approval reprogramming action request.

The Committee directs that this relief mechanism only be used for unanticipated and emergency requirements. The Committee will not approve any reprogramming for any activities anticipated in the budget request but not identified by the Department in the individual FFRDC allocations proposed in the new 5-year plan.

Finally, the Committee will regard any proposed offsets for increased FFRDC funding other than congressional initiatives as low departmental priorities and will deal with them accordingly during consideration of future supplemental or annual budget requests.

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCs) (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

Page 99-100

Sec. 8037. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) Limitation on Compensation.--No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 1997 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 1997, not more than 5,975 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,088 staff years may be funded for the defense studies and analysis FFRDCs.

Report Language

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The conferees agree to a general provision (Section 8037) governing the activities of defense federally funded research and development centers (FFRDC's).

The conferees recognize the preference by the Department of Defense to limit the activities of defense FFRDC's through the use of ceilings on the number of staff years of technical effort (staff years). Therefore, for fiscal year 1997, the conferees agree to statutory ceilings on defense FFRDC staff years (5,975 overall and 1,088 for studies and analysis FFRDC's).

The conferees, however, are concerned that the allocation of staff years not obscure the budgetary impacts of funding the FFRDC's. The conferees direct that the reports identifying the staff years of technical effort allocated to each defense FFRDC for fiscal years 1997 and 1998 also include the dollar amounts required to fund each FFRDC's staff year allocations for each fiscal year. The conferees direct that, during fiscal year 1997, should the institutional arrangements and agreements between any defense FFRDC and the department, or the organization and structure of any defense FFRDC, undergo a significant change, the Secretary of Defense shall provide the Congressional

defense committees with a detailed report addressing the effects of such a change on the staff years to be allocated for that defense FFRDC under the statutory ceilings.

The conferees further direct that this report shall be submitted not later than 60 days before the change is to occur and shall contain information regarding: (1) the department's ability to obtain services which had been provided by that defense FFRDC, including whether the department intends to obtain these services in the future under competitive or non-competitive contracts, agreements, or procedures; (2) the cost, budget, contractual, legal, and policy implications of the change, including the impact of the change on the competitive environment for the acquisition of such

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCs) (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

Page 99-100

(e) Notwithstanding any other provision of law, the Secretary of Defense shall control the total number of staff years to be performed by defense FFRDCs during fiscal year 1997 so as to reduce the total amounts appropriated in titles II, III, and IV of this Act by \$52,286,000: Provided, That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by \$52,286,000 to reflect savings from the use of defense FFRDCs by the department

(f) Within 60 days after enactment of this Act, the Secretary of Defense shall submit to the Congressional defense committees a report presenting the specific amounts of staff years of technical effort to be allocated by the department for each defense FFRDC during fiscal year 1997: Provided, That, after the submission of the report required by this subsection, the department may not reallocate more than five percent of an FFRDC's staff years among other defense FFRDCs until 30 days after a detailed justification for any such reallocation is submitted to the Congressional defense committees.

(g) The Secretary of Defense shall, with the submission of the department's fiscal year 1998 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(h) The total amounts appropriated to or for the use of the department in titles II, III, and IV of this Act are hereby further reduced by \$102,286,000 to reflect savings from the decreased use of non-FFRDC consulting services by the department.

Report Language

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services; (3) the disposition of any property--including real and personal property, hardware, software, and intellectual property--developed or obtained by the FFRDC through the payment of any fee or other financing mechanism paid by the Federal government, and whether the Federal government shall receive the fair market value for any such property the ownership of which may be transferred as a result of any significant change; (4) whether any officers or employees of a defense FFRDC which is involved in any such significant change shall receive any salary or other compensation increase, or any bonus, as a result of such a change, and the amount of any such increase or bonus for each officer or employee; and (5) whether any such significant change shall result in any liability for the federal government with respect to personnel costs for the defense FFRDC.

The conferees further agree to statutory language reducing funds for defense FFRDC's and for non-FFRDC consulting services used by the department.

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCs) (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

Page 99-100

(e) Notwithstanding any other provision of law, the Secretary of Defense shall control the total number of staff years to be performed by defense FFRDCs during fiscal year 1997 so as to reduce the total amounts appropriated in titles II, III, and IV of this Act by \$52,286,000: Provided, That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by \$52,286,000 to reflect savings from the use of defense FFRDCs by the department

(f) Within 60 days after enactment of this Act, the Secretary of Defense shall submit to the Congressional defense committees a report presenting the specific amounts of staff years of technical effort to be allocated by the department for each defense FFRDC during fiscal year 1997: Provided, That, after the submission of the report required by this subsection, the department may not reallocate more than five percent of an FFRDC's staff years among other defense FFRDCs until 30 days after a detailed justification for any such reallocation is submitted to the Congressional defense committees.

(g) The Secretary of Defense shall, with the submission of the department's fiscal year 1998 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(h) The total amounts appropriated to or for the use of the department in titles II, III, and IV of this Act are hereby further reduced by \$102,286,000 to reflect savings from the decreased use of non-FFRDC consulting services by the department.

FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCs) (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

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(i) No part of the reductions contained in subsections (e) and (h) of this section may be applied against any budget activity, activity group, subactivity group, line item, program element, program, project, subproject or activity which does not fund defense FFRDC activities or non-FFRDC consulting services within each appropriation account.

(j) Not later than 90 days after enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report listing the specific funding reductions allocated to each category listed in subsection (i) above pursuant to this section.

CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Bill Language

No House language exists.

Bill Language

Page 35-36

SEC. 215. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM.

(a) Amount for Program.--Of the amount authorized to be appropriated under section 201(3), \$50,000,000 shall be available for the Clementine 2 micro-satellite near-Earth asteroid interception mission.

(b) Limitation.--None of the funds authorized to be appropriated pursuant to this Act for the global positioning system (GPS) Block II F Satellite system may be obligated until the Secretary of Defense certifies to Congress that--

(1) funds appropriated for fiscal year 1996 for the Clementine 2 Micro-Satellite development program have been obligated in accordance with Public Law 104-106 and the Joint Explanatory Statement of the Committee of Conference accompanying S. 1124 (House Report 104-450 (104th Congress, second session)); and

(2) the Secretary has made available for obligation the funds appropriated for fiscal year 1997 for the Clementine 2 micro-satellite development program in accordance with this section.

CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM (CONT)

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

Report Language

No language exists.

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Report Language

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Section 215. Clementine 2 micro-satellite development program.

In fiscal year 1996, the Air Force Space Command, in conjunction with the Air Force Phillips Laboratory, initiated a Clementine 2 micro-satellite program as a follow-on to the highly successful Clementine 1 mission. The Clementine 2 program will develop, test, and flight-validate a variety of miniaturized spacecraft technologies with applications to a wide number of military and intelligence space programs. By using near-earth asteroids as sensor demonstration targets, the mission will also provide benefits to the civil science community. Therefore, the committee recommends an increase of \$50.0 million in PE 63401F to continue this effort under the control of the Space Warfare Center, with execution by the Clementine team (Phillips Laboratory, the Naval Research Laboratory, and the Lawrence Livermore National Laboratory).

The committee also recommends a provision that would prohibit the use of funds authorized in this Act for the Global Positioning System Block IIF satellite system until the Secretary of Defense certifies to Congress that: (1) funds appropriated for fiscal year 1996 for the Clementine 2 micro- satellite program have been obligated; and (2) the Secretary has made available for obligation funds appropriated for fiscal year 1997 for the Clementine 2 micro-satellite program.

CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language
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SEC. 213. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM.

(a) Amount for Program.--Of the amount authorized to be appropriated under section 201(3), \$50,000,000 shall be available for the Clementine 2 micro-satellite near-Earth asteroid interception mission.

(b) Limitation.--Of the funds authorized to be appropriated pursuant to this Act for the global positioning system (GPS) Block II F Satellite system, not more than \$25,000,000 may be obligated until the Secretary of Defense certifies to Congress that--

(1) funds appropriated for fiscal year 1996 for the Clementine 2 Micro-Satellite development program have been obligated in accordance with Public Law 104-106 and the Joint Explanatory Statement of the Committee of Conference accompanying S. 1124 (House Report 104-450 (104th Congress, second session)); and

(2) the Secretary has made available for obligation the funds appropriated for fiscal year 1997 for the purpose specified in subsection (a).

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

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Clementine 2 micro-satellite development program (sec. 213)

The Senate amendment contained a provision (sec. 215) that would authorize \$50.0 million for the Clementine 2 micro-satellite near-earth interception mission. The provision would also prohibit the obligation of any funds for the Global Positioning System (GPS) Block IIF satellite development program until the Secretary of Defense certifies to Congress that the fiscal year 1996 funds for Clementine 2 have been obligated and the fiscal year 1997 funds for Clementine 2 have been made available for obligation.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize \$50.0 million for the Clementine 2 micro-satellite near-earth asteroid mission and would prohibit the obligation of more than \$25.0 million for GPS Block IIF until the Secretary of Defense certifies that fiscal year 1997 funds for Clementine 2 have been made available for obligation.

CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM (CONT)	
House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM (CONT)	
FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)	FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)
<u>Statutory Language</u> No language exists.	<u>Report Language</u> No language exists

HIGH ENERGY LASER SYSTEMS TEST FACILITY

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

Bill Language

No language exists.

Report Language

No language exists.

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Bill Language

No language exists.

Report Language

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High Energy Laser Systems Test Facility

The committee continues to support the operation of the High Energy Laser Systems Test Facility (HELSTF) as the central test facility to support the nation's high energy laser development. The committee is disappointed with the \$2.9 million request for HELSTF (PE 65605A), which would be insufficient to support Army plans to restructure the facility. This facility supports the Mid-Infrared Advanced Chemical Laser (MIRACL) program and test programs such as Nautilus, Tactical High Energy Laser (THEL) and the Air Force Airborne Laser. The committee reiterates the view that it does not make sense to shut down the MIRACL when prior legislative constraints on testing the laser against objects in space have finally been lifted. The committee also notes that the Air Force Science Board's New World Vistas study has recently recommended a ground-based directed energy approach to space control. The committee recommends an increase of \$21.7 million for the continued operation and upgrade of the facility.

HIGH ENERGY LASER SYSTEMS TEST FACILITY (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

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High Energy Laser Systems Test Facility

The budget request included \$3.0 million in PE 65605A for the High Energy Laser Systems Test Facility (HELSTF).

The Senate amendment would authorize an additional \$21.7 million in PE 65605A for the continued operation and upgrade of the facility.

The House bill would authorize the budget request.

The House recesses.

HIGH ENERGY LASER SYSTEMS TEST FACILITY (CONT)	
House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u></p> <p><u>Page 157</u></p> <p>DOD HIGH ENERGY LASER TEST FACILITY</p> <p>The Army requested \$2,967,000 for the DoD High Energy Laser Test Facility (HELSTF). The Committee recommends \$91,700,000, an increase of \$88,733,000. Of the additional funds, \$21,733,000 is only for HELSTF; \$55,000,000 is only for THEL/NAUTILUS; and \$12,000,000 is only for high energy solid state laser development.</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists</p>

HIGH ENERGY LASER SYSTEMS TEST FACILITY (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists

AIRBORNE LASER PROGRAM

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>	<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u> <u>Page 180</u></p> <p>Airborne laser program</p> <p>The budget request included \$56.8 million in PE 63319F for the Airborne Laser (ABL) program. Although the committee agrees to authorize the full budget request for ABL, it has serious reservations and concerns related to this program. The Air Force currently plans to spend \$682.6 million in the future years defense program (fiscal years 1997-2001) on an ABL demonstration and validation (Dem/Val) program. The committee does not believe that the Air Force has adequately demonstrated the feasibility of the necessary technology to justify beginning such a significant investment. The committee is also not convinced that the ABL concept of operations will allow the system to be cost and operationally effective. Under any serious threat scenario, the ABL aircraft will be required to stand off approximately 90 kilometers from the forward edge of the battle area. Yet the ABL will have a range well below 500 kilometers (in most cases against most threats probably less than 300 kilometers). This means that the ABL will have very little capability against short-range missiles and longer-range missiles launched from significant distances behind the forward edge of the battle area. Moreover, the 747-400F aircraft that the Air Force plans to use as the ABL platform will be an extremely vulnerable and lucrative target for enemy air defense systems.</p> <p>The committee notes that the Air Force is planning to acquire a 747-400F aircraft as the ABL test platform through multi-year incremental funding. The committee views this acquisition as inconsistent with the Department of Defense's policy on</p>

AIRBORNE LASER PROGRAM (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
	<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u> <u>Page 180</u></p> <p>incremental funding. The committee will not support incremental funding of a 747-400F aircraft while the Department opposes incremental funding of other major platforms, such as ships.</p> <p>Notwithstanding the reservations expressed above, the committee does support a robust technology development and risk reduction effort for ABL. The committee strongly supports the development of directed energy systems for ballistic and cruise missile defense applications. Nonetheless, the committee remains skeptical about making a commitment to a significant ABL Dem/Val program at this time. This skepticism has been heightened by the fact that the Department of Defense's recent BMD Program Update Review recommended significant reductions in other key theater missile defense programs. The committee does not understand how the administration can justify a \$2.0 billion reduction in the Theater High Altitude Area Defense system, for which we have a critical near-term requirement, and at the same time dedicate approximately \$700.0 million for a system that may not work or make operational sense.</p>

AIRBORNE LASER PROGRAM (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

No language exists

AIRBORNE LASER PROGRAM (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)

Bill Language

No language exists.

Report Language

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AIRBORNE LASER TECHNOLOGY

The Air Force requested \$56,828,000 for airborne laser technology (ABL). The Committee recommends \$56,828,000 the amount of the budget request. The Committee recognizes the Air Force's commitment to this program and believes the Airborne Laser has the potential to offer an effective near-term boost- phase intercept missile defense capability.

The Committee also directs that the Air Force provide a report on the total costs of the ABL program to include demonstration/validation, development, acquisition and deployment costs and an assessment of the possible Anti- Ballistic Missile Treaty implications of developing and deploying an ABL system.

Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)

Bill Language

No language exists.

Report Language

No language exists.

AIRBORNE LASER PROGRAM (CONT))

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Bill Language Page 316-321

TITLE IX--DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. ADDITIONAL REQUIRED REDUCTION IN DEFENSE ACQUISITION WORKFORCE.

Section 906(d) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 405) is amended--

(1) in paragraph (1), by striking out "during fiscal year 1996" and all that follows and inserting in lieu thereof "so that--

"(A) the total number of such positions as of October 1, 1996, is less than the baseline number by at least 15,000; and

"(B) the total number of such positions as of October 1, 1997, is less than the baseline number by at least 40,000."; and

(2) by adding at the end the following new paragraph:

"(3) For purposes of this subsection, the term 'baseline number' means the total number of defense acquisition personnel positions as of October 1, 1995."

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language Page 211

TITLE IX--DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A--General Matters

SEC. 901. REPEAL OF REORGANIZATION OF OFFICE OF SECRETARY OF DEFENSE.

Sections 901 and 903 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 399 and 401) are repealed.

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language

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SEC. 902. REDUCTION OF PERSONNEL ASSIGNED TO OFFICE OF THE SECRETARY OF DEFENSE.

(a) *Permanent Limitation on OSD Personnel.*--Effective October 1, 1999, the number of OSD personnel may not exceed 75 percent of the baseline number.

(b) *Phased Reduction.*--The number of OSD personnel--

(1) as of October 1, 1997, may not exceed 85 percent of the baseline number;
and

(2) as of October 1, 1998, may not exceed 80 percent of the baseline number.

(c) *Baseline Number.*--For purposes of this section, the term "baseline number" means the number of OSD personnel as of October 1, 1994.

(d) *OSD Personnel Defined.*--For purposes of this section, the term "OSD personnel" means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

(e) *Limitation on Reassignment of Functions.*--In carrying out reductions in the number of personnel assigned to, or employed in, the Office of the Department of Defense in order to comply with this section, the Secretary of Defense may not reassign functions solely in order to evade the requirements contained in this section.

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT (CONT)	
House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u> <u>Page 316-321</u></p> <p>(f) <i>Flexibility.--If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (b) with respect to any fiscal year would adversely affect United States national security, the limitation under that subsection with respect to that fiscal year may be waived. If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (a) during fiscal year 1999 would adversely affect United States national security, the limitation under that subsection with respect to that fiscal year may be waived. The authority under this subsection may be used only once, with respect to a single fiscal year.</i></p> <p>(g) <i>Repeal of Prior Requirement.--Section 901(d) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 410) is repealed.</i></p> <p>SEC. 903. REPORT ON MILITARY DEPARTMENT HEADQUARTERS STAFFS.</p> <p>(a) <i>Review by Secretary of Defense.--The Secretary of Defense shall conduct a review of the size, mission, organization, and functions of the military department headquarters staffs. This review shall include the following:</i></p> <p>(1) <i>An assessment on the adequacy of the present organization structure to efficiently and effectively support the mission of the military departments.</i></p> <p>(2) <i>An assessment of options to reduce the number of personnel assigned to the military department headquarters staffs.</i></p>	

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Bill Language

Page 316-321

(3) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the military department headquarters staffs.

(4) An assessment of the possible benefits that could be derived from further functional consolidation between the civilian secretariat of the military departments and the staffs of the military service chiefs.

(5) An assessment of the possible benefits that could be derived from reducing the number of civilian officers in the military departments who are appointed by and with the advice and consent of the Senate.

(b) Report.--Not later than March 1, 1997, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the findings and conclusions of the Secretary resulting from the review under subsection (a); and

(2) a plan for implementing resulting recommendations, including proposals for legislation (with supporting rationale) that would be required as result of the review.

(c) Reduction in Total Number of Personnel Assigned.--In developing the plan under subsection (b)(2), the Secretary shall make every effort to provide for significant reductions in the overall number of military and civilian personnel assigned to or serving in the military department headquarters staffs.

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT (CONT)

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Bill Language

Page 316-321

(d) Military Department Headquarters Staffs Defined.--For the purposes of this section, the term "military department headquarters staffs" means the offices, organizations, and other elements of the Department of Defense comprising the following:

- (1) The Office of the Secretary of the Army.*
- (2) The Army Staff.*
- (3) The Office of the Secretary of the Air Force.*
- (4) The Air Staff.*
- (5) The Office of the Secretary of the Navy.*
- (6) The Office of the Chief of Naval Operations.*
- (7) Headquarters, Marine Corps.*

SEC. 904. EXTENSION OF EFFECTIVE DATE FOR CHARTER FOR JOINT REQUIREMENTS OVERSIGHT COUNCIL.

Section 905(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 404) is amended by striking out "January 31, 1997" and inserting in lieu thereof "January 31, 1998".

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT (CONT)

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)

Report Language Page 330-331

Section 901--Additional Required Reduction in Defense Acquisition Workforce

This section would require a reduction in the number of personnel assigned to defense acquisition organizations of 25,000 during fiscal year 1997. This provision results from the committee's ongoing effort to reduce the size and cost associated with the Department's significant administrative overhead. The committee is disturbed that the Department has failed to produce the report required by section 906 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) regarding downsizing and restructuring options for the defense acquisition infrastructure. The committee strongly believes that the Department must aggressively pursue such structural changes in order to reduce the significant overhead cost associated with the procurement of defense goods and services.

Section 902--Reduction of Personnel Assigned to Office of the Secretary of Defense

This section would clarify that the 25 percent, five year reduction in personnel assigned to the Office of the Secretary of Defense required by section 901 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) must be implemented on an annual basis. The committee notes with concern that the Department has yet to submit the report and recommendations required by section 901 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) regarding the downsizing and restructuring of the Office of the Secretary of Defense.

Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)

Report Language Page 267

Office of the Secretary of Defense

The committee is concerned that funding for the Office of the Secretary of Defense is absorbing too large a portion of the Defense budget. This imbalance in the "tooth-to-tail" ratio is resulting in a military establishment that has a decreasing warfighting capability relative to its increasing bureaucracy. The committee notes that the National Defense Authorization Act for Fiscal Year 1996 directed that the Office of the Secretary be reduced by 25 percent over a five year period, or 5 percent a year. However, once again, as the total defense budget has declined by 6 percent from its 1996 level of spending, the budget for this office has increased.

The committee has reduced the authorization for the Office of the Secretary of Defense by \$20.4 million or 6 percent from its fiscal year 1996 authorization.

Page 315

Section 901. Repeal of reorganization of Office of Secretary of Defense.

The committee recommends a provision that would repeal sections 901 and 903 of the National Defense Authorization Act for Fiscal Year 1996 which directed the reorganization of the Office of the Secretary of Defense.

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT (CONT)

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Report Language

Page 330-331

Section 903--Report on Military Department Headquarters Staffs

This section would require the Secretary of Defense to conduct a comprehensive assessment on the management and functional responsibilities of the offices of the military department secretaries and chiefs of staff. This provision also results from the committee's ongoing effort to reduce the size and cost associated with the Department's significant administrative overhead.

Section 904--Extension of Effective Date for Charter for Joint Requirements Oversight Council

This section would delay the effective date of the statutory charter for the Joint Requirements Oversight Council (JROC) from January 1, 1997 to January 1, 1998. The committee notes with concern the difficulties it has encountered in receiving the most cursory information associated with analysis performed by the JROC resulting in decisions to terminate or rephase military programs. Repeated attempts by the committee to conduct legitimate program oversight have been frustrated by consistent refusal by the Joint Staff to provide the committee with supporting rationale for recent decisions on theater missile defense and unmanned aerial vehicle programs. While the committee recognizes that direct involvement in acquisition program decisions is a relatively new role for the Joint Staff, the committee is nevertheless committed to pursuing all necessary information to carry out its constitutional oversight responsibilities. As such, the committee urges the Chairman of the Joint Chiefs of Staff to promptly revisit this matter and engage the committee in a dialogue to avoid similar occurrences in the future.

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT (CONT)	
FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u> <u>Page 203-205</u></p> <p>SEC. 901. REPEAL OF PREVIOUSLY ENACTED REDUCTION IN NUMBER OF STATUTORY POSITIONS IN OFFICE OF THE SECRETARY OF DEFENSE.</p> <p><i>Section 903 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 401) is repealed.</i></p> <p>SEC. 902. ADDITIONAL REQUIRED REDUCTION IN DEFENSE ACQUISITION WORKFORCE.</p> <p><i>(a) Additional Reductions for Fiscal Year 1997.--Section 906(d) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 405) is amended in paragraph (1) by striking out "positions during fiscal year 1996" and all that follows and inserting in lieu thereof "so that--</i></p> <p><i>"(A) the total number of defense acquisition personnel as of October 1, 1996, is less than the baseline number by at least 15,000; and</i></p> <p><i>"(B) the total number of defense acquisition personnel as of October 1, 1997, is less than the baseline number by at least 30,000."</i></p> <p><i>(b) Baseline Number.--Such section is further amended by adding at the end the following new paragraph:</i></p> <p><i>"(3) For purposes of this subsection, the term 'baseline number' means the total number of defense acquisition personnel as of October 1, 1995."</i></p>	<p><u>Report Language</u> <u>Page 776-777</u></p> <p>Repeal of reorganization of Office of Secretary of Defense (secs. 901 and 903)</p> <p>The House bill contained a provision (sec. 902) that would clarify that the 25 percent, five year reduction in personnel assigned to the Office of the Secretary of Defense required by section 901 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) must be implemented on an annual basis.</p> <p>The Senate amendment contained a provision (sec. 901) that would repeal sections 901 and 903 of the National Defense Authorization Act for Fiscal Year 1996 which directed the reorganization of the Office of the Secretary of Defense.</p> <p>The House recedes with an amendment that would retain section 901 of the National Defense Authorization Act for Fiscal Year 1996 and include the annual reductions required by section 901 of the House bill.. The conferees note that section 901 required the Secretary of Defense to conduct a review of the organization and functions of the Office of the Secretary of Defense and to submit a report not later than March 1, 1996. The Secretary has failed to comply with this statutory requirement. The conferees direct the Secretary to complete the review and to submit the required report immediately.</p> <p>The conferees agreed to strike the repeal of the statutory basis for certain Presidential appointment positions. The conferees expect that the Secretary will include in the review of the organization and functions a zero-based review of the structure of the Office of the Secretary of Defense, and propose legislative changes, as necessary, if there is a recommendation to eliminate any of the current statutorily-required positions.</p>

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language
Page 203-205

SEC. 903. REDUCTION OF PERSONNEL ASSIGNED TO OFFICE OF THE SECRETARY OF DEFENSE.

(a) Permanent Limitation on OSD Personnel.--Effective October 1, 1999, the number of OSD personnel may not exceed 75 percent of the baseline number.

(b) Phased Reduction.--The number of OSD personnel--

(1) as of October 1, 1997, may not exceed 85 percent of the baseline number; and

(2) as of October 1, 1998, may not exceed 80 percent of the baseline number.

(c) Baseline Number.--For purposes of this section, the term "baseline number" means the number of OSD personnel as of October 1, 1994.

(d) OSD Personnel Defined.--For purposes of this section, the term "OSD personnel" means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

(e) Limitation on Reassignment of Functions.--In carrying out reductions in the number of personnel assigned to, or employed in, the Office of the Secretary of Defense in order to comply with this section, the Secretary of Defense may not reassign functions solely in order to evade the requirements contained in this section.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language
Page 776-777

Additional required reduction in defense acquisition workforce (sec. 902)

The House bill contained a provision (sec. 901) that would require a reduction in the number of personnel assigned to defense acquisition organizations of 25,000 during fiscal year 1997.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment limiting the number of required reductions to 15,000 in fiscal year 1997 and clarifying that the reductions are required to be made in numbers of acquisition personnel rather than in acquisition positions. The conferees agree that the impact of the reductions required to date in this specific category should be properly and fully assessed prior to the consideration of further cuts of such magnitude.

Report on military department headquarters staffs (sec. 904)

The House bill contained a provision (sec. 903) that would require the Secretary of Defense to conduct a comprehensive assessment on the management and functional responsibilities of the offices of the military department secretaries and chiefs of staff.

The Senate amendment contained no similar provision.

The Senate recedes.

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT (CONT)	
FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u> <u>Page 203-205</u></p> <p><i>(f) Flexibility.--If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (b) with respect to any fiscal year would adversely affect United States national security, the Secretary may waive the limitation under that subsection with respect to that fiscal year. If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (a) during fiscal year 1999 would adversely affect United States national security, the Secretary may waive the limitation under that subsection with respect to that fiscal year. The authority under this subsection may be used only once, with respect to a single fiscal year.</i></p> <p><i>(g) Repeal of Prior Requirement.--Section 901(d) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 401) is repealed.</i></p> <p>SEC. 904. REPORT ON MILITARY DEPARTMENT HEADQUARTERS STAFFS.</p> <p><i>(a) Review by Secretary of Defense.--The Secretary of Defense shall conduct a review of the size, mission, organization, and functions of the military department headquarters staffs. This review shall include the following:</i></p> <p><i>(1) An assessment on the adequacy of the present organization structure to efficiently and effectively support the mission of the military departments.</i></p> <p><i>(2) An assessment of options to reduce the number of personnel assigned to the military department headquarters staffs.</i></p> <p><i>(3) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the military department headquarters staffs.</i></p> <p><i>(4) An assessment of the possible benefits that could be derived from further functional consolidation between the civilian secretariat of the military departments and the staffs of the military service chiefs.</i></p> <p>.</p>	

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

Page 203-205

(5) An assessment of the possible benefits that could be derived from reducing the number of civilian officers in the military departments who are appointed by and with the advice and consent of the Senate

(b) Report.--Not later than March 1, 1997, the Secretary of Defense shall submit to the congressional defense committees a report containing--

(1) the findings and conclusions of the Secretary resulting from the review under subsection (a); and

(2) a plan for implementing resulting recommendations, including proposals for legislation (with supporting rationale) that would be required as a result of the review.

(c) Reduction in Total Number of Personnel Assigned.--In developing the plan under subsection (b)(2), the Secretary shall make every effort to provide for significant reductions in the overall number of military and civilian personnel assigned to or serving in the military department headquarters staffs.

(d) Military Department Headquarters Staffs Defined.--For the purposes of this section, the term "military department headquarters staffs" means the offices, organizations, and other elements of the Department of Defense comprising the following:

- (1) The Office of the Secretary of the Army.*
- (2) The Army Staff.*
- (3) The Office of the Secretary of the Air Force.*
- (4) The Air Staff.*
- (5) The Office of the Secretary of the Navy.*
- (6) The Office of the Chief of Naval Operations.*
- (7) Headquarters, Marine Corps.*

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT (CONT)	
House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT (CONT))	
FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)	FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)
<u>Statutory Language</u> No language exists.	<u>Report Language</u> No language exists

QUADRENNIAL DEFENSE REVIEW

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language
Page 210-211

SEC. 923. QUADRENNIAL DEFENSE REVIEW.

(a) Requirement in 1997.--The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall complete in 1997 a review of the defense program of the United States intended to satisfy the requirements for a Quadrennial Defense Review as identified in the recommendations of the Commission on Roles and Missions of the Armed Forces. The review shall include a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through the year 2005.

(b) Involvement of National Defense Panel.--(1) The Secretary shall apprise the National Defense Panel established under section 924, on an ongoing basis, of the work undertaken in the conduct of the review.

(2) Not later than March 14, 1997, the Chairman of the National Defense Panel shall submit to the Secretary the Panel's assessment of work undertaken in the conduct of the review as of that date and shall include in the assessment the recommendations of the Panel for improvements to the review, including recommendations for additional matters to be covered in the review.

(c) Assessments of Review.--Upon completion of the review, the Chairman of the Joint Chiefs of Staff and the Chairman of the National Defense Panel, on behalf of the Panel, shall each prepare and submit to the Secretary such chairman's assessment of the review in time for the inclusion of the assessment in its entirety in the report under subsection (d).

(d) Report.--Not later than May 15, 1997, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive report on the review. The report shall include the following:

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language
Page 779-780

Force Structure Review (secs. 921-926)

The Senate amendment contained a number of provisions (secs. 1091-1096) in subtitle G of title 10, referred to as the "Armed Forces Force Structure Review Act of 1996." This Act would require the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to conduct a Quadrennial Defense Review (QDR) as recommended by the Commission on Roles and Missions of the Armed Forces. This review would be a complete re-examination of the defense strategy, force structure, force modernization plans, budget plans, infrastructure, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States, and establishing a national defense program, as we enter the 21st Century.

In carrying out this review, the Department would examine the potential near- and long-term threats to U.S. national security including:

- (a) the proliferation of weapons of mass destruction and the means to deliver them;
- (b) conventional threats across a spectrum of conflicts;
- (c) the vulnerability of our information systems and other advanced technologies to non-traditional threats;
- (d) domestic and international terrorism; and
- (e) the potential emergence of a major adversary.

The Act would also create an independent, non-partisan panel of defense experts (to be known as the National Defense Panel) that would provide the Secretary of Defense and the Congress alternative recommendations regarding the optimal force structure required to meet the national security needs of the United States. This panel would be appointed by the Secretary of Defense after consultation with the Chairmen and Ranking Members of the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

QUADRENNIAL DEFENSE REVIEW (CONT)

FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<p><u>Statutory Language</u> <u>Page 210-211</u></p> <p>(1) <i>The results of the review, including a comprehensive discussion of the defense strategy of the United States and the force structure best suited to implement that strategy.</i></p> <p>(2) <i>The threats examined for purposes of the review and the scenarios developed in the examination of such threats.</i></p> <p>(3) <i>The assumptions used in the review, including assumptions relating to the cooperation of allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.</i></p> <p>(4) <i>The effect on the force structure of preparations for and participation in peace operations and military operations other than war.</i></p> <p>(5) <i>The effect on the force structure of the utilization by the Armed Forces of technologies anticipated to be available by the year 2005, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in doctrine and operational concepts that would result from the utilization of such technologies.</i></p> <p>(6) <i>The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.</i></p> <p>(7) <i>The anticipated roles and missions of the reserve components in the defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge those roles and missions.</i></p> <p>(8) <i>The appropriate ratio of combat forces to support forces (commonly referred to as the "tooth-to-tail" ratio) under the defense strategy, including, in particular, the appropriate number and size of headquarter units and Defense Agencies for that purpose.</i></p> <p>(9) <i>The air-lift and sea-lift capabilities required to support the defense strategy.</i></p>	<p><u>Report Language</u> <u>Page 779-780</u></p> <p>The creation of the National Defense Panel is intended to help ensure the validity of the process by playing a very active role in reviewing and commenting on the QDR from the early stages of its development. The Panel is designed to provide the Congress, and the Secretary of Defense, with an independent review of the national security requirements of the United States, including the force structure necessary to meet those requirements. This will, hopefully, allow the Congress and the Secretary to consider alternative options when making decisions affecting the security of the United States.</p> <p>Upon completion of the QDR, the Act would require that the Chairman of the Joint Chiefs of Staff and the Chairman of the National Defense Panel prepare and submit to the Secretary of Defense, for inclusion in the Secretary's report to the Congress, their assessment of the QDR. The Secretary's report would also include a comprehensive discussion of the defense strategy of the United States, and the assumptions regarding the threats to our national security, mission sharing, levels of acceptable risk, warning times, and intensity and duration of the conflict. In addition, the report would address the effect on the force structure of preparations for, and participation in, peace operations and military operations other than war. It also would require a discussion of the effects which emerging technologies will have on the U.S. force structure and a number of other matters.</p> <p>The House bill contained no similar provision.</p> <p>The House recedes.</p> <p>The conferees believe this is an appropriate time to review the strategy and force structure necessary to protect the interests of the United States in any future conflict. The pace of global change requires that the United States reexamine its military capabilities with a view toward preparing the military services for the 21st century.</p>

QUADRENNIAL DEFENSE REVIEW (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

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(10) The forward presence, pre-positioning, and other anticipatory deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts

(11) The extent to which resources must be shifted among two or more theaters under the defense strategy in the event of conflict in such theaters.

(12) The advisability of revisions to the Unified Command Plan as a result of the defense strategy.

(13) Any other matter the Secretary considers appropriate.

NATIONAL DEFENSE PANEL

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SEC. 924. NATIONAL DEFENSE PANEL.

(a) Establishment.--Not later than December 1, 1996, the Secretary of Defense shall establish a nonpartisan, independent panel to be known as the National Defense Panel (in this section referred to as the "Panel"). The Panel shall have the duties set forth in this section.

(b) Membership.--The Panel shall be composed of a chairman and eight other individuals appointed by the Secretary, in consultation with the chairman and ranking member of the Committee on Armed Services of the Senate and the chairman and ranking member of the Committee on National Security of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to the national security of the United States.

(c) Duties.--The Panel shall--

(1) conduct and submit to the Secretary the assessment of the review under section 923 that is required by subsection (b)(2) of that section;

(2) conduct and submit to the Secretary the comprehensive assessment of the review that is required by subsection (c) of that section upon completion of the review; and

(3) conduct the assessment of alternative force structures for the Armed Forces required under subsection (d).

(d) Alternative Force Structure Assessment.--(1) The Panel shall submit to the Secretary an independent assessment of a variety of possible force structures of the Armed Forces through the year 2010 and beyond, including the force structure identified in the report on the review under section 923(d). The purpose of the assessment is to develop proposals for an "above the line" force structure of the Armed Forces and to provide the Secretary and Congress recommendations

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Force Structure Review (secs. 921-926)

The Senate amendment contained a number of provisions (secs. 1091-1096) in subtitle G of title 10, referred to as the "Armed Forces Force Structure Review Act of 1996." This Act would require the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to conduct a Quadrennial Defense Review (QDR) as recommended by the Commission on Roles and Missions of the Armed Forces. This review would be a complete re-examination of the defense strategy, force structure, force modernization plans, budget plans, infrastructure, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States, and establishing a national defense program, as we enter the 21st Century.

In carrying out this review, the Department would examine the potential near- and long-term threats to U.S. national security including:

- (a) the proliferation of weapons of mass destruction and the means to deliver them;
- (b) conventional threats across a spectrum of conflicts;
- (c) the vulnerability of our information systems and other advanced technologies to non-traditional threats;
- (d) domestic and international terrorism; and
- (e) the potential emergence of a major adversary.

The Act would also create an independent, non-partisan panel of defense experts (to be known as the National Defense Panel) that would provide the Secretary of Defense and the Congress alternative recommendations regarding the optimal force structure required to meet the national security needs of the United States. This panel would be appointed by the Secretary of Defense after consultation with the Chairmen and Ranking Members of the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

NATIONAL DEFENSE PANEL (CONT)

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<p><u>Statutory Language</u> <u>Page 212-214</u></p> <p><i>regarding the optimal force structure to meet anticipated threats to the national security of the United States through the time covered by the assessment.</i></p> <p><i>(2) In conducting the assessment, the Panel shall examine a variety of potential threats (including near-term threats and long-term threats) to the national security interests of the United States, including the following:</i></p> <p><i>(A) Conventional threats across a spectrum of conflicts.</i></p> <p><i>(B) The proliferation of weapons of mass destruction and the means of delivering such weapons, and the illicit transfer of technology relating to such weapons.</i></p> <p><i>(C) The vulnerability of United States technology to nontraditional threats, including information warfare.</i></p> <p><i>(D) Domestic and international terrorism.</i></p> <p><i>(E) The emergence of a major potential adversary having military capabilities similar to those of the United States.</i></p> <p><i>(F) Any other significant threat, or combination of threats, identified by the Panel.</i></p> <p><i>(3) For purposes of the assessment, the Panel shall develop a variety of scenarios requiring a military response by the United States, including the following:</i></p> <p><i>(A) Scenarios developed in light of the threats examined under paragraph (2).</i></p> <p><i>(B) Scenarios developed in light of a continuum of conflicts ranging from a conflict of lesser magnitude than the conflict described in the Bottom-Up Review to a conflict of greater magnitude than the conflict so described.</i></p> <p><i>(4) As part of the assessment, the Panel shall also--</i></p> <p><i>(A) develop recommendations regarding a variety of force structures for the Armed Forces that permit the forward deployment of sufficient air, land, and sea-based forces to provide an effective deterrent to conflict and to permit a military response by the United States to the scenarios developed under paragraph (3);</i></p> <p><i>(B) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 1997 dollars, to organize, equip, and support the forces</i></p>	<p><u>Report Language</u> <u>Page 779-780</u></p> <p>The creation of the National Defense Panel is intended to help ensure the validity of the process by playing a very active role in reviewing and commenting on the QDR from the early stages of its development. The Panel is designed to provide the Congress, and the Secretary of Defense, with an independent review of the national security requirements of the United States, including the force structure necessary to meet those requirements. This will, hopefully, allow the Congress and the Secretary to consider alternative options when making decisions affecting the security of the United States.</p> <p>Upon completion of the QDR, the Act would require that the Chairman of the Joint Chiefs of Staff and the Chairman of the National Defense Panel prepare and submit to the Secretary of Defense, for inclusion in the Secretary's report to the Congress, their assessment of the QDR. The Secretary's report would also include a comprehensive discussion of the defense strategy of the United States, and the assumptions regarding the threats to our national security, mission sharing, levels of acceptable risk, warning times, and intensity and duration of the conflict. In addition, the report would address the effect on the force structure of preparations for, and participation in, peace operations and military operations other than war. It also would require a discussion of the effects which emerging technologies will have on the U.S. force structure and a number of other matters.</p> <p>The House bill contained no similar provision.</p> <p>The House recesses.</p> <p>The conferees believe this is an appropriate time to review the strategy and force structure necessary to protect the interests of the United States in any future conflict. The pace of global change requires that the United States reexamine its military capabilities with a view toward preparing the military services for the 21st century.</p>

NATIONAL DEFENSE PANEL (CONT)

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*contemplated under the force structures assessed in the assessment;
and (C) comment on each of the matters also to be included by the Secretary in the report required by section 923(d).*

(e) Report.--(1) Not later than December 1, 1997, the Panel shall submit to the Secretary a report setting forth the activities and the findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(2) Not later than December 15, 1997, the Secretary shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the committees referred to in subsection (b) a copy of the report under paragraph (1), together with the Secretary's comments on the report.

(f) Information From Federal Agencies.--The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(g) Personnel Matters.--(1) Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(2) The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(3)(A) The chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director, and a staff of not more than four additional individuals, if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties

NATIONAL DEFENSE PANEL (CONT)

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<p><u>Statutory Language</u> <u>Page 212-214</u></p> <p><i>effectively. The employment of an executive director shall be subject to confirmation by the Panel (B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.</i></p> <p><i>(4) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. The Secretary shall ensure that sufficient personnel are detailed to the Panel to enable the Panel to carry out its duties effectively.</i></p> <p><i>(5) To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.</i></p> <p><i>(h) Administrative Provisions.--(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.</i></p> <p><i>(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.</i></p> <p><i>(3) The Panel may accept, use, and dispose of gifts or donations of services or property.</i></p> <p><i>(i) Payment of Panel Expenses.--The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.</i></p>	

NATIONAL DEFENSE PANEL (CONT)

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(j) Termination.--The Panel shall terminate 30 days after the date on which the Panel submits its report to the Secretary under subsection (e).

SEC. 925. POSTPONEMENT OF DEADLINES.

If the Presidential election in 1996 results in the election of a new President, each deadline set forth in this subtitle shall be postponed by three months.

SEC. 926. DEFINITIONS.

In this subtitle:

(1) The term " 'above the line' force structure of the Armed Forces" means the force structure (including numbers, strengths, and composition and major items of equipment) for the Armed Forces at the following unit levels:

(A) In the case of the Army, the division.

(B) In the case of the Navy, the battle group.

(C) In the case of the Air Force, the wing.

(D) In the case of the Marine Corps, the expeditionary force.

(E) In the case of special operations forces of the Army, Navy, or Air Force, the major operating unit.

(F) In the case of the strategic forces, the ballistic missile submarine fleet, the heavy bomber force, and the intercontinental ballistic missile force.

(2) The term "Commission on Roles and Missions of the Armed Forces" means the Commission on Roles and Missions of the Armed Forces established by subtitle E of title IX of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1738; 10 U.S.C. 111 note).

(3) The term "military operation other than war" means any operation other than war that requires the utilization of the military capabilities of the Armed Forces, including peace operations, humanitarian assistance operations and

NATIONAL DEFENSE PANEL (CONT)

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activities, counter-terrorism operations and activities, disaster relief activities, and counter-drug operations and activities.

(4) The term "peace operations" means military operations in support of diplomatic efforts to reach long-term political settlements of conflicts and includes peacekeeping operations and peace enforcement operations.

LOW RATE INITIAL PRODUCTION (LRIP)

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

LOW RATE INITIAL PRODUCTION (LRIP) (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

No language exists

LOW RATE INITIAL PRODUCTION (LRIP) (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u> <u>Page 147</u></p> <p>The Department of Defense has recently established a new policy that encourages acquisition programs to budget RDT&E funds for Low Rate Initial Production (LRIP) of test articles in lieu of procurement funds. In general, the Committee is open to policy changes that improve the acquisition process. However, funding LRIP test articles in R&D raises serious concerns for Congressional oversight and approval of military acquisition programs. Because of the R&D incremental funding policy, the Committee is concerned that funding LRIP test articles in R&D could allow program managers to initiate LRIP with any amount of money, at any time, and with no OSD or Congressional approval. Accordingly, the Committee directs the Secretary of Defense to ensure that the LRIP policy addresses the following:</p> <ul style="list-style-type: none"> (1) The term "LRIP test articles" must be clearly defined in writing by OSD. (2) Criteria must be established to ensure that LRIP test articles budgeted in R&D are intended predominantly for testing, and are the minimum number of articles needed to complete the testing program. The Committee believes if the purpose for the LRIP test articles is more for operations than for testing, or if the purpose is sufficiently "grey," then such articles should be funded in procurement. (3) RDT&E budget exhibits for fiscal year 1998 and subsequent fiscal years must clearly denote the number and type of test articles, including LRIP test articles, funded in the R&D program. No funds for additional LRIP test articles, beyond those displayed and justified in the last budget approved by Congress, can be obligated without prior notification to the congressional defense committees. <p>.</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

LOW RATE INITIAL PRODUCTION (LRIP) (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

Bill Language

No bill language exists.

Report Language

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(4) Funding for LRIP test articles shall be clearly and separately identified within R&D budgets. No funds for LRIP test articles can be obligated in an earlier fiscal year than displayed and justified in the last budget approved by Congress without prior notification to the congressional defense committees.

Finally, the Committee directs the Secretary of Defense to submit a report accompanying the fiscal year 1998 budget request on DoD's policy to implement this direction.

LOW RATE INITIAL PRODUCTION (LRIP) (CONT)

FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)	FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)
<p><u>Statutory Language</u></p> <p>No language exists.</p>	<p><u>Report Language</u></p> <p><u>Page 889</u></p> <p>LRIP TEST ARTICLES AND REPROGRAMMING THRESHOLDS</p> <p>The conferees strongly agree with the concerns expressed by both the House and the Senate with respect to changes contemplated by the Department of Defense (DoD) in the budgeting for low-rate initial production (LRIP) test articles and in reprogramming thresholds. The conferees note that the Department's budgeting policies for LRIP test articles have been applied inconsistently in the past. The conferees reserve judgment as to the desirability of changing the budgeting practice for LRIP test articles, and they intend to evaluate the ramifications of this change during the fiscal year 1998 budget review. Unlike the circumstances associated with creation of the fiscal year 1997 budget request, the conferees expect the Department to consult with the Committees on Appropriations well in advance about the justification and implications of this change. To ensure such consultation occurs, the conferees direct that DoD may not modify its policies or practices with respect to budgeting for LRIP test articles until 90 days after any proposed modification is reported to the congressional defense committees, along with a detailed justification for that proposed modification. Further, this issue underscores the lack of visibility of test article quantities in current budget exhibits. Given that test articles are significant cost drivers in research and development programs, the conferees direct that RDT&E budget exhibits for fiscal year 1998 and subsequent years must clearly denote the number and type of test articles budgeted, in total, over the life of the R&D program.</p> <p>The conferees also direct that none of the funds available to DoD during fiscal year 1997 may be obligated or expended to modify established reprogramming procedures, including modifying below threshold reprogramming dollar thresholds, until 90 days after any proposed modification is reported to the congressional defense committees, along with a detailed justification for that proposed modification.</p>

NEW START NOTIFICATION

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

Bill Language

No new language exists.

Report Language

No language exists

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Bill Language

No bill language exists.

Report Language

No language exists

NEW START NOTIFICATION (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

No language exists

NEW START NOTIFICATION (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No new language exists.</p> <p><u>Report Language</u> <u>Page 150</u></p> <p>NEW START NOTIFICATION</p> <p>The Committee reaffirms the long standing policy on letter notification of new start programs of providing the congressional defense committees with a review period prior to obligation of funds. The Committee notes that the Navy recently submitted a notification letter that stated the Navy's intent to initiate a new start program "immediately." Though the Committee had no objection to this particular program, the Committee nevertheless insists that future notification letters comply with the existing policy that provides the Committee a 30 day review period prior to program initiation.</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u> No language exists</p>

NEW START NOTIFICATION (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists

SPECIAL INTEREST ITEMS

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

SPECIAL INTEREST ITEMS(CONT)	
FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)	FY97 DOD Authorization Conference Report H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)
<u>Statutory Language</u> No language exists.	<u>Report Language</u> No language exists

SPECIAL INTEREST ITEMS (CONT)	
House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p><u>Page 151</u></p> <p>SPECIAL INTEREST ITEMS</p> <p>Items for which funds have specifically been provided in this report using the phrases "only for" or "only to" are congressional interest items for the purpose of the Base for Reprogramming (DD Form 1414) for the Research, Development, Test and Evaluation programs. Each of these items must be carried on the DD Form 1414 at the stated amount, or a revised amount if changed during conference action on this bill, unless the item is denied in conference or if otherwise specifically addressed in the conference report.</p>	<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

SPECIAL INTEREST ITEMS (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

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SPECIAL INTEREST ITEMS

The conferees direct that the direction contained under the heading "Special Interest Items" in the House report also shall apply to items identified in the same manner in the Senate report. The conferees direct that items appearing in the project and subproject level tables in the House and Senate reports, and in the conference managers' statement, shall be reflected in the Form DD-1414 "Base for Reprogramming" and treated accordingly.

NATO RESEARCH AND DEVELOPMENT

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

Bill Language

No bill language exists.

Report Language

No language

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Bill Language

No language exists.

Report Language

No language

NATO RESEARCH AND DEVELOPMENT (CONT)

**FY97 DOD Authorization Conference Report
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Statutory Language

No language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

No language exists

NATO RESEARCH AND DEVELOPMENT (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u> <u>Page 188</u></p> <p style="text-align: center;">NATO RESEARCH AND DEVELOPMENT</p> <p>The budget requested a total of \$52,905,000 in the Army, Navy, Air Force and Defense-wide appropriations for NATO research and development. This is more than twice the amount of the 1996 appropriation of \$23,500,000. The Committee recommends no appropriation.</p> <p>The Committee continues to be concerned about the lack of success of cooperative international research and development programs. Over \$800 million has been spent on the NATO research and development program since its inception in 1986. Since that time, 145 projects have been initiated and only 43 projects have been considered a success. This is only a 29% success rate. Furthermore, only a small number of projects have had a direct impact on improving fielded systems. The Committee believes that service requirements should receive priority over these projects.</p>	<p><u>Bill Language</u></p> <p>No language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>

NATO RESEARCH AND DEVELOPMENT (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists.

ARMY BATTLE INTEGRATION CENTER

House FY97 DOD Authorization Bill H.R. 1530; H. Rept. 104-563 (5/7/96)	Senate FY97 DOD Authorization Bill S. 1745; S. Rept. 104-267 (5/12/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>	<p><u>Bill Language</u></p> <p>No bill language exists</p> <p><u>Report Language</u></p> <p><u>Page 139</u></p> <p>Battle Integration Center</p> <p>The committee is aware of the importance of the missile defense Battle Integration Center (BIC) in accomplishing the integration of the Army's theater missile defense program. The BIC has been a critical participant in numerous exercises and experiments in fiscal year 1996 and has supported combat material developers with a synthetic battlefield environment. The committee recommends an increase of \$27.0 million in PE 63308A to continue this important capability.</p>

ARMY BATTLE INTEGRATION CENTER (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No statutory language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

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Battle integration center

The budget request included \$2.9 million in PE 63308A for Army missile defense systems integration.

The Senate amendment recommended an increase of \$27.0 million in PE 63308A for the Army's Battle Integration Center (BIC).

The House bill did not include additional funds for BIC.

The House recesses.

ARMY BATTLE INTEGRATION PROGRAM (CONT)

House FY97 DOD Appropriations Bill H.R. 3610; H. Rept. 104-617 (6/11/96)	Senate FY97 DOD Appropriations Bill S. 1894; S. Rept. 104-286 (6/20/96)
<p><u>Bill Language</u></p> <p>No bill language exists.</p> <p><u>Report Language</u></p> <p>No language exists.</p>	<p><u>Bill Language</u></p> <p>No bill language exists</p> <p><u>Page 101</u></p> <p>Army missile defense systems integration (demonstration/validation).—The Committee is aware of the importance of the Missile Defense Battle Integration Center [BIC] in accomplishing the integration of the Army's Theater Missile Defense Program. The Army's Battle Integration Center has been a critical participant in numerous exercises and experiments in fiscal year 1996, serving as an important tool for accomplishing the integration of the Army's Theater Missile Defense Program. The Committee allocates \$27,000,000 to continue BIC operations.</p>

ARMY BATTLE INTEGRATION PROGRAM (CONT)	
FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)	FY97 DOD Appropriations Conference Report H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)
<u>Statutory Language</u> No language exists.	<u>Report Language</u> No language exists.

KWAJALEIN ATOLL/PACIFIC MISSILE RANGE FACILITY

**House FY97 DOD Authorization Bill
H.R. 1530; H. Rept. 104-563 (5/7/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

**Senate FY97 DOD Authorization Bill
S. 1745; S. Rept. 104-267 (5/12/96)**

Bill Language

No bill language exists

Report Language

No language exists.

KWAJALEIN ATOLL/PACIFIC MISSILE RANGE FACILITY (CONT)

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Statutory Language

No language exists.

**FY97 DOD Authorization Conference Report
H.R. 3230; H.Rept. 104-724 (7/30/96) (PL 104-201)**

Report Language

No language exists

KWAJALEIN ATOLL/PACIFIC MISSILE RANGE FACILITY (CONT)

**House FY97 DOD Appropriations Bill
H.R. 3610; H. Rept. 104-617 (6/11/96)**

Bill Language

No bill language exists.

Report Language

No language exists.

**Senate FY97 DOD Appropriations Bill
S. 1894; S. Rept. 104-286 (6/20/96)**

Bill Language

No bill language exists

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Kwajalein Atoll; minor construction [RPM]--RDT&E; maintenance and repair [RPM]--RDT&E; base operations--RDT&E.--The Committee recommends increases of \$10,000,000, \$3,000,000, \$8,000,000, and \$16,000,000, respectively, to these program elements to permit the Army to maintain mission performance, safety, and reduce the backlog of maintenance and repair at major installations which support RDT&E activities. The Committee directs that no below threshold reprogramming [BTR] adjustments may be made to all funds provided in these program elements.

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Consolidated training systems development.--The Committee has provided \$5,000,000 for a competitive program to acquire needed optical sensors for the Pacific Missile Range facility [PMRF] to support Mountain Top, Navy upper tier, Navy lower tier, and other test and training activities.

KWAJALEIN ATOLL/PACIFIC MISSILE RANGE FACILITY (CONT)

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Statutory Language

No language exists.

**FY97 DOD Appropriations Conference Report
H.R. 3610; H.Rept. 104-863 (9/28/96) (PL 104-208)**

Report Language

No language exists.